

IN THE SUPREME COURT OF THE STATE OF NEVADA

DWIGHT CONRAD SOLANDER,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Electronically Filed
Oct 15 2021 03:19 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No: A-20-815535-W

Docket No: 83506

RECORD ON APPEAL

ATTORNEY FOR APPELLANT

DWIGHT SOLANDER,
PROPER PERSON
700 ELM ST. #29
BOULDER CITY, NV 89005

ATTORNEY FOR RESPONDENT

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

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I N D E X

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FILED

MAY 27 2020

John J. Blum
CLERK OF COURT

Case No.
Dept. No.

IN THE 8TH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

DWIGHT SOLANDER
Petitioner,

v.

PETITION FOR WRIT
OF HABEAS CORPUS
(POSTCONVICTION)

A-20-815535-W
Dept. 21

JEREMY BEAN, WARDEN HOSP
Respondent.

INSTRUCTIONS:

- (1) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.
- (2) Additional pages are not permitted except where noted or with respect to the ~~which~~ which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the Department of Corrections, name the warden or head of the institution. If you are not in a specific institution of the Department but within its custody, name the Director of the Department of Corrections.
- (5) You must include all grounds or claims for relief which you may have regarding your conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction and sentence.
- (6) You must allege specific facts supporting the claims in the petition you file seeking relief from any conviction or sentence. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you claim your counsel was ineffective.
- (7) When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to the Attorney General's Office, and one copy to the district attorney of the county in which you were convicted or to the original prosecutor if you are challenging your original conviction or sentence. Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty: HIGH DESERT STATE PRISON, CLARK COUNTY
2. Name and location of court which entered the judgment of conviction under attack: 8TH JUDICIAL DISTRICT COURT, LAS VEGAS, NV
3. Date of judgment of conviction: 6-15-18
4. Case number: C14-299737-1
5. (a) Length of sentence: 3-10

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MAY 11 2020

CLERK OF THE COURT

-1-

CLERK OF THE COURT

1 (b) If sentence is death, state any date upon which execution is scheduled:....

2 6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion?

3 Yes No ☒

4 If "yes," list crime, case number and sentence being served at this time:

7 7. Nature of offense involved in conviction being challenged: CHILD ABUSE

9 8. What was your plea? (check one)

10 (a) Not guilty

11 (b) Guilty ☒

12 (c) Guilty but mentally ill

13 (d) Nolo contendere

14 9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment or information, and a
15 plea of not guilty to another count of an indictment or information, or if a plea of guilty or guilty but mentally ill was
16 negotiated, give details:

18 10. If you were found guilty or guilty but mentally ill after a plea of not guilty, was the finding made by: (check one)

19 (a) Jury

20 (b) Judge without a jury

21 11. Did you testify at the trial? Yes No

22 12. Did you appeal from the judgment of conviction? Yes No ☒

23 13. If you did appeal, answer the following:

24 (a) Name of court:

25 (b) Case number or citation:

26 (c) Result:

27 (d) Date of result:

28 (Attach copy of order or decision, if available.)

1 14. If you did not appeal, explain briefly why you did not: COUNSEL ONLY FILED NOTICE OF
2 APPEAL, BUT FINANCIALLY IT WAS NOT POSSIBLE FOR ME TO FOLLOW
3 UP.

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

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

7 (a) (1) Name of court:

8 (2) Nature of proceeding:

9
10 (3) Grounds raised:

11
12
13 (4) Did you receive an evidentiary hearing on your petition, application or motion? Yes No

14 (5) Result:

15 (6) Date of result:

16 (7) If known, citations of any written opinion or date of orders entered pursuant to such result:
17

18 (b) As to any second petition, application or motion, give the same information:

19 (1) Name of court:

20 (2) Nature of proceeding:

21 (3) Grounds raised:

22 (4) Did you receive an evidentiary hearing on your petition, application or motion? Yes No

23 (5) Result:

24 (6) Date of result:

25 (7) If known, citations of any written opinion or date of orders entered pursuant to such result:
26

27 (c) As to any third or subsequent additional applications or motions, give the same information as above, list
28 them on a separate sheet and attach.

1 (d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any
2 petition, application or motion?

3 (1) First petition, application or motion? Yes No

4 Citation or date of decision:

5 (2) Second petition, application or motion? Yes No

6 Citation or date of decision:

7 (3) Third or subsequent petitions, applications or motions? Yes No

8 Citation or date of decision:

9 (e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you
10 did not. (You must relate specific facts in response to this question. Your response may be included on paper which
11 is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in
12 length.).....

13
14 17. Has any ground being raised in this petition been previously presented to this or any other court by way of
15 petition for habeas corpus, motion, application or any other postconviction proceeding? If so, identify:

16 (a) Which of the grounds is the same:

17
18 (b) The proceedings in which these grounds were raised:

19
20 (c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this
21 question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your
22 response may not exceed five handwritten or typewritten pages in length.)

23
24 18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached,
25 were not previously presented in any other court, state or federal, list briefly what grounds were not so presented,
26 and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your
27 response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not
28 exceed five handwritten or typewritten pages in length.)

19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

THIS IS NOT AN
ATTACK ON SOC OR SENTENCE. RELATED TO NDOC ERROR.

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

If yes, state what court and the case number:

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal: CRAIG MUELLER, ESQ.

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

If yes, specify where and when it is to be served, if you know:

23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting same.


1 (a) Ground ONE: NDOC IS HOLDING ME DESIGNATED AS A VIOLENT OFFENDER
2 CONTRARY TO BOTH NEVADA STATUTE AND ESTABLISHED CASE LAW. THIS IS
3 AFFECTING MY LIBERTY INTEREST REGARDING PAROLE ELIGIBILITY PER NRS
4 SECTION 213 DUE TO INACCURATE AND FALSE REPORTING TO PAROLE BOARD

5 Supporting FACTS (Tell your story briefly without citing cases or law.): NDOC DESIGNATES CRIMES
6 INMATES ARE CONVICTED OF AND REPORTS THIS TO THE PAROLE BOARD. THIS
7 DESIGNATION ALSO FOLLOWS AS A VIOLENT OFFENDER IN LAW ENFORCEMENT
8 DATABASES, WHICH WILL RESULT IN ADVERSE TREATMENT IN ANY LAW
9 ENFORCEMENT CONTACT. AN INMATE'S PAROLE ELIGIBILITY IS BASED ON
10 SEVERAL CONSIDERATIONS, OF WHICH BE DESIGNATED A VIOLENT OFFENDER
11 PUTS A PERSON IN THE MOST SERIOUS CLASS. A CONSIDERATION SHOULD BE
12 BASED ON TRUE AND CORRECT INFORMATION. IF CONSIDERATION IS BASED
13 ON INACCURATE INFORMATION AND A DENIAL IS ISSUED, WHICH OTHERWISE
14 WOULD HAVE BEEN GRANTED, THEN LIBERTY WAS DENIED BASED ON FALSE,
15 INACCURATE INFORMATION.

16
17 ALL STATUTES, CASE LAW, AND LEGAL ARGUMENTS ARE ADDRESSED IN
18 FORTHCOMING LEGAL BRIEF IN SUPPORT OF MOTION.

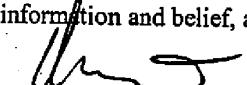
BEFORE, petitioner prays that the court grant petitioner relief to which petitioner may be entitled in this proceeding.

EXECUTED at High Desert State Prison on the 8 day of the month of MAY, 2020


* DWIGHT SOLANDER 1200038
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

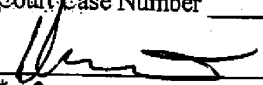
VERIFICATION

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


* DWIGHT SOLANDER 1200038
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

AFFIRMATION (Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the preceeding PETITION FOR WRIT OF HABEAS CORPUS filed in District Court Case Number _____ Does not contain the social security number of any person.


* DWIGHT SOLANDER 1200038
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

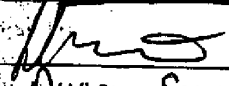
CERTIFICATE OF SERVICE BY MAIL

I, DWIGHT SOLANDER, hereby certify pursuant to N.R.C.P. 5(b), that on this 8 day of the month of MAY, 2020 I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS addressed to:

~~TERESA BEAN~~
Warden High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070

Attorney General of Nevada
100 North Carson Street
Carson City, Nevada 89701

~~Chief Deputy Attorney General~~
~~State Attorney General's Office~~
~~300 Nevada Street~~
~~Carson City, Nevada 89701~~


* DWIGHT SOLANDER 1200038
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

Print your name and NDOC back number and sign

SUBNUMBER 1200038
Box 480
89070

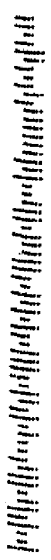
LAS VEGAS, NV 890
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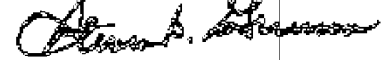


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CLEAN OK 8TH JUDICIAL DISTRICT COURT
200 LEWIS 3RD FLOOR
LAS VEGAS, NV 89155

89101-630000





PPOW

DISTRICT COURT
CLARK COUNTY, NEVADA

Dwight Solander,

Petitioner,

vs.

Jeremy Bean, Warden HDSP,

Respondent,

Case No: A-20-815535-W
Department 21

ORDER FOR PETITION FOR
WRIT OF HABEAS CORPUS

Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on May 27, 2020. The Court has reviewed the Petition and has determined that a response would assist the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and good cause appearing therefore,

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

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

Calendar on the 13th day of August, 2020, at the hour of

9:30 a.m. o'clock for further proceedings.



District Court Judge

TVW

DWIGHT SOLANDER 1200038
BOX 650 HOSP
INDIAN SPRINGS, NV 89070
IN PRO PER

FILED

JUN 17 2020

John J. Williams
CLERK OF COURT

27

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

DWIGHT SOLANDER

PETITIONER

V

JEREMY BEANS, WARDEN

RESPONDANT

CASE 1 A-20-815535-W

DEPT 21

MOTION FOR 20 DAY LEAVE

O.K. COURT TO FILE LEGAL BRIEF

IN SUPPORT OF ^{PETITION} ~~MOTION~~

HEARING REQUESTED

COMES NOW PETITIONER, DWIGHT SOLANDER, AND MOVES
THIS COURT FOR A 20 DAY LEAVE OF COURT IN ORDER THAT
PETITIONER'S LEGAL BRIEF IN SUPPORT OF ^{PETITION} ~~MOTION~~ MAY BE PROPERLY
COMPLETED AND FILED WITH THIS COURT.

DATED THIS 9TH DAY OF JUNE, 2020



DWIGHT SOLANDER

IN PRO PER

RECEIVED

JUN 11 2020

CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAIL

I, DWIGHT SOLANDER, HEREBY CERTIFY PURSUANT TO NRCPS(B), THAT ON THE 9TH DAY OF JUNE, 2020, I MAILED A TRUE AND CORRECT COPY OF THE FOREGOING "MOTION FOR 20 DAY LEAVE OF COURT TO FILE LEGAL BRIEF" TO THE FOLLOWING:

ATTORNEY GENERAL OF NEVADA
100 N CARSON ST.
CARSON CITY, NV 89701

JEREMY BEANS, WARDEN
BOX 650
INDIAN SPRINGS, NV 89070

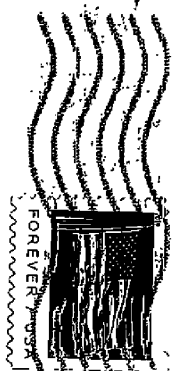
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JUN 11 2020

CLERK OF THE COURT

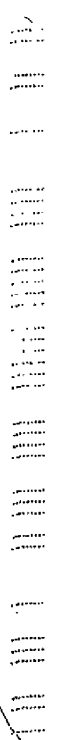
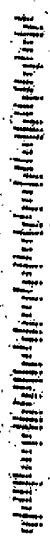
Southern 1200038
Box 656
89070

LAS VEGAS NV 890
10 JUN 2000 PM 5 L



CLERK OF DISTRICT COURT
200 LEWIS AVE. 3RD FLOOR
LAS VEGAS, NV 89155

99101-230000



UNIT 10

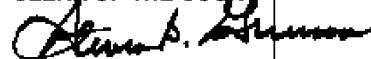
JUN 09 2020

HIGH DESERT STATE PRISON

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**DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
6/17/2020 2:47 PM
Steven D. Grierson
CLERK OF THE COURT



Dwight Solander, Plaintiff(s)	Case No.: A-20-815535-W
vs.	
Jeremy Bean, Warden HDSP, Defendant(s)	Department 21

NOTICE OF HEARING

Please be advised that the Plaintiff's Motion for 20 Day Leave of Court to File Legal Brief in Support of Petition in the above-entitled matter is set for hearing as follows:

Date: July 21, 2020
Time: 1:45 PM
Location: RJC Courtroom 11C
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

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

CERTIFICATE OF SERVICE

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

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

DWIGHT SOLANDER 1200038
BOLESD HDSP
INDIAN SPRINGS, NV 89070
IN PRO PER

Electronically Filed
06/18/2020
Valerie Adair
CLERK OF THE COURT

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

DWIGHT SOLANDER

PETITIONER

CASE: A-20-815535-W

V

DEPT: 21

JEREMY BEANS

RESPONDANT

ORDER

GRANTING 20 DAY LEAVE OF COURT

IT IS THE ORDER OF THIS COURT THAT PETITIONER,
DWIGHT SOLANDER, BE GRANTED A 20 DAY LEAVE OF COURT.
IN ORDER THAT LEGAL BRIEF MAY BE PROPERLY FILED.

SO ORDERED

DATED THIS 18 DAY OF JUNE, 2020.
Date of this 18th day of June, 2020

Valerie Adair

DISTRICT CLERK
Valerie Adair

TW

RECEIVED

JUN 17 2020

CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

Dwight Solander, Plaintiff(s)	CASE NO: A-20-815535-W
vs.	DEPT. NO. Department 21
Jeremy Bean, Warden HDSP, Defendant(s)	

AUTOMATED CERTIFICATE OF SERVICE

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

Envelope ID:
Service Date: 6/18/2020

27
FILED

JUL - 9 2020

CLERK OF COURT

1 Case No. A-20-815535W
2 Dept. No. 21

3 IN THE 8TH JUDICIAL DISTRICT COURT OF THE
4 STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

5 DWIGHT SOLANOER
6 Petitioner,

7 v.

8 JEREMY BEANS, WARDEN
9 Respondent.

1ST AMENDED
PETITION FOR WRIT
OF HABEAS CORPUS
(POSTCONVICTION)

PURSUANT TO NRS 39.360

INSTRUCTIONS:

* HEARING REQUESTED *

- (1) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.
(2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
(3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
(4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the Department of Corrections, name the warden or head of the institution. If you are not in a specific institution of the Department but within its custody, name the Director of the Department of Corrections.
(5) You must include all grounds or claims for relief which you may have regarding your conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction and sentence.
(6) You must allege specific facts supporting the claims in the petition you file seeking relief from any conviction or sentence. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you claim your counsel was ineffective.
(7) When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to the Attorney General's Office, and one copy to the district attorney of the county in which you were convicted or to the original prosecutor if you are challenging your original conviction or sentence. Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty: HIGH DESERT STATE PRISON, CLARK COUNTY
2. Name and location of court which entered the judgment of conviction under attack: JUDGEMENT
OF CONVICTION IS NOT UNDER ATTACK 8TH DISTRICT CLARK COUNTY
3. Date of judgment of conviction: 6-17-18
4. Case number: C-14-299737-1
5. (a) Length of sentence: 3-10

RECEIVED

JUL - 1 2020

CLERK OF THE COURT

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

6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion?

Yes No ☒

If "yes," list crime, case number and sentence being served at this time:

N/A

7. Nature of offense involved in conviction being challenged:

8. What was your plea? (check one)

(a) Not guilty

(b) Guilty ☒

(c) Guilty but mentally ill

(d) Nolo contendere

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

N/A

10. If you were found guilty or guilty but mentally ill after a plea of not guilty, was the finding made by: (check one)

(a) Jury

(b) Judge without a jury

N/A

11. Did you testify at the trial? Yes No ☒

12. Did you appeal from the judgment of conviction? Yes No ☒

13. If you did appeal, answer the following: N/A

(a) Name of court:

(b) Case number or citation:

(c) Result:

(d) Date of result:

(Attach copy of order or decision, if available.)

1 14. If you did not appeal, explain briefly why you did not:

N/A

2
3
4 15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any
5 petitions, applications or motions with respect to this judgment in any court, state or federal? Yes No ☒

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

7 (a) (1) Name of court:

N/A

8 (2) Nature of proceeding:

N/A

9
10 (3) Grounds raised:

N/A

11
12
13 (4) Did you receive an evidentiary hearing on your petition, application or motion? Yes No

14 (5) Result:

N/A

15 (6) Date of result:

N/A

16 (7) If known, citations of any written opinion or date of orders entered pursuant to such result:

N/A

17
18 (b) As to any second petition, application or motion, give the same information:

19 (1) Name of court:

20 (2) Nature of proceeding:

21 (3) Grounds raised:

22 (4) Did you receive an evidentiary hearing on your petition, application or motion? Yes No

23 (5) Result:

24 (6) Date of result:

25 (7) If known, citations of any written opinion or date of orders entered pursuant to such result:

26
27 (c) As to any third or subsequent additional applications or motions, give the same information as above, list
28 them on a separate sheet and attach:

N/A

1 (d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any
2 petition, application or motion?

3 (1) First petition, application or motion? Yes No 1

4 Citation or date of decision: 1

5 (2) Second petition, application or motion? Yes No 1

6 Citation or date of decision: 1

7 (3) Third or subsequent petitions, applications or motions? Yes No 1

8 Citation or date of decision: 1

9 (e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you
10 did not. (You must relate specific facts in response to this question. Your response may be included on paper which
11 is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in
12 length.) N/A

13
14 17. Has any ground being raised in this petition been previously presented to this or any other court by way of
15 petition for habeas corpus, motion, application or any other postconviction proceeding? If so, identify.

16 (a) Which of the grounds is the same: N/A

17
18 (b) The proceedings in which these grounds were raised: 1

19
20 (c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this
21 question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your
22 response may not exceed five handwritten or typewritten pages in length.) 1

23
24 18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached,
25 were not previously presented in any other court, state or federal, list briefly what grounds were not so presented,
26 and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your
27 response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not
28 exceed five handwritten or typewritten pages in length.) N/A

19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) N/A

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? Yes No ☒
If yes, state what court and the case number: N/A

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal: CRAIG MUELLER, ESQ.

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack? Yes No ☒
If yes, specify where and when it is to be served, if you know: N/A

23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting same.

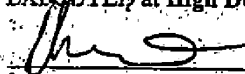
1 (a) Ground ONE: NDOC IS HOLDING ME DESIGNATED AS A VIOLENT OFFENDER
2 CONTRARY TO BOTH NEVADA STATUTE AND ESTABLISHED CASE LAW. THIS IS
3 AFFECTING MY LIBERTY INTEREST REGARDING PAROLE ELIGIBILITY PER NRS
4 SECTION 213 DUE TO INACCURATE AND FALSE REPORTING TO PAROLE BOARD

5 Supporting FACTS (Tell your story briefly without citing cases or law.): NDOC DESIGNATES CRIMES
6 INMATES ARE CONVICTED OF AND REPORTS THIS TO THE PAROLE BOARD. THIS
7 DESIGNATION ALSO FOLLOWS AS A VIOLENT OFFENDER IN LAW ENFORCEMENT
8 DATABASES, WHICH WILL RESULT IN ADVERSE TREATMENT IN ANY LAW
9 ENFORCEMENT CONTACT. AN INMATE'S PAROLE ELIGIBILITY IS BASED ON
10 SEVERAL CONSIDERATIONS, OF WHICH BE DESIGNATED A VIOLENT OFFENDER
11 PUTS A PERSON IN THE MOST SERIOUS CLASS. A CONSIDERATION SHOULD BE
12 BASED ON TRUE AND CORRECT INFORMATION. IF CONSIDERATION IS BASED
13 ON INACCURATE INFORMATION AND A DENIAL IS ISSUED, WHICH OTHERWISE
14 WOULD HAVE BEEN GRANTED, THEN LIBERTY WAS DENIED BASED ON FALSE,
15 INACCURATE INFORMATION.

16
17 ALL STATUTES, CASE LAW, AND LEGAL ARGUMENTS ARE ADDRESSED IN
18 FORTHCOMING LEGAL BRIEF IN SUPPORT OF MOTION.
19
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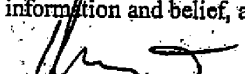
BEFORE, petitioner prays that the court grant petitioner relief to which petitioner may be entitled in this proceeding.

EXECUTED at High Desert State Prison on the 24th day of the month of JUNE, 2020


* DWIGHT SOLANDER 1200038
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

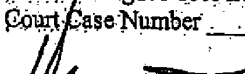
VERIFICATION

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


* DWIGHT SOLANDER 1200038
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

AFFIRMATION (Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the preceding PETITION FOR WRIT OF HABEAS CORPUS filed in District Court Case Number _____ Does not contain the social security number of any person.


* DWIGHT SOLANDER 1200038
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person


CERTIFICATE OF SERVICE BY MAIL

I, DWIGHT SOLANDER, hereby certify pursuant to N.R.C.P. 5(b), that on this 24 day of the month of JUNE, 2020 I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS addressed to:

~~TERRELL BEAN~~
Warden High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070

Attorney General of Nevada
100 North Carson Street
Carson City, Nevada 89701

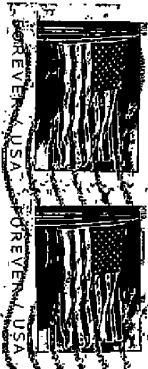
~~Chief County District Attorney's Office~~
~~State Prison~~
~~Indian Springs, Nevada~~


* DWIGHT SOLANDER 1200038
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

* Print your name and NDOC back number and sign

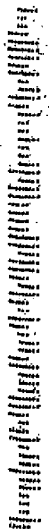
SOLARIDE 1200038
Box 658
89070

LAS VEGAS, NV 890
29 JUN 2020 PM 4 L



CLERK OF DISTRICT COURT
200 LEWIS 3RD FLOOR
LAS VEGAS, NV 89155

95103-690000



HIGH DESERT STATE PRISON
JUN 28 2020
UNIT 10



RSPN
AARON D. FORD
Attorney General
Katrina A. Samuels (Bar No. 13394)
Deputy Attorney General
State of Nevada
Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101-1068
(702) 486-3770 (phone)
(702) 486-2377 (fax)
KSamuels@ag.nv.gov
Attorneys for Respondents

DISTRICT COURT

CLARK COUNTY, NEVADA

DWIGHT SOLANDER,

Petitioner,

vs.

JEREMY BEAN, WARDEN HDSP,

Respondent.

Case No. A-20-815535-W
Dept. No. XXI

Date of Hearing: 08/13/2020
Time of Hearing: 9:30 a.m.

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Respondent opposes Petitioner Dwight Solander's *Petition for Writ of Habeas Corpus (Post-Conviction)* filed on May 27, 2020. Respondent moves for denial of Solander's petition because prison classification is not cognizable for habeas relief. Further, Solander has not served the requisite term of imprisonment in order to become eligible to appear before a parole board, making his claim not ripe for review.

This response is made and based upon the papers and pleadings on file herein and the following points and authorities.

DATED this 13th day of July 2020.

AARON D. FORD
Attorney General

By: /s/ Katrina A. Samuels
Katrina A. Samuels
Deputy Attorney General

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **BACKGROUND**

3 Petitioner Dwight Solander is currently incarcerated at High Desert State Prison (Exhibit 1,
4 *Inmate Search*). He is in prison for criminal acts he committed on or between January 19, 2011 and
5 November 11, 2013 (Exhibit 2, *Amended Information*). The Eighth Judicial District Court adjudicated
6 Solander guilty of three counts of Child Abuse, Neglect or Endangerment Resulting in Substantial Bodily
7 Harm, all category B felonies (Exhibit 3, *Judgment of Conviction*). He was sentenced to three concurrent
8 terms of one hundred twenty months incarceration with minimum parole eligibility after thirty-six
9 months. *Id.* Solander began serving his prison sentence on June 5, 2018 (Exhibits 4-6, *Credit Histories*).
10 His parole eligibility date (“PED”) is set for February 19, 2021. *Id.*

11 **ARGUMENT**

12 **A. A Habeas Petition Cannot be Used to Challenge Conditions of Confinement.**

13 This Court should dismiss Solander’s petition because he is improperly challenging the
14 conditions of his confinement by attempting to challenge his prison classification. Petitions for writs of
15 habeas corpus may challenge the **validity** of current confinement, but **not the conditions** thereof. *Bowen*
16 *v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984) (citing *Director, Dep’t Prisons v. Arndt*, 98
17 Nev. 84 (1982); *Rogers v. Warden*, 84 Nev. 539 (1962) and *Rainsberger v. Leyboldt*, 77 Nev. 399
18 (1961)). (Emphasis added). Solander’s allegations speak only to the conditions of his confinement and
19 not to the validity of his confinement. He is complaining that the Nevada Department of Corrections
20 (NDOC) has classified him as a violent offender which may impact his ability to receive parole at some
21 future date. But “[t]here is no constitutional or inherent right of a convicted person to be conditionally
22 released before the expiration of a valid sentence.” *Greenholtz v. Inmates of Nebraska Penal & Corr.*
23 *Complex*, 442 U.S. 1, 7, 99 S. Ct. 2100, 2104, (1979). So even if Solander’s allegations are true they do
24 not violate a protected right. Consequently, Solander’s challenge to the conditions of his confinement
25 are not cognizable in a petition for a writ of habeas corpus.

26 **B. Nevada Law Prohibits the Application of Credit to Solander’s Minimum Sentence.**

27 NRS 209.432 to 294.451, inclusive, provides the statutory framework for the application of credit
28 to an inmate’s sentence. The appropriate statute is determined by the date that the crime was committed.

1 In this case, Solander committed his offenses between 2011 and 2013, so the application of credit used
2 to determine if he is eligible for parole is governed by NRS 209.4465. Under NRS 209.4465(7), credit
3 applies against an inmate's minimum and maximum sentence unless one of the exceptions outlined in
4 NRS 209.4465(8) applies to prohibit the application. The four exceptions include:

- 5 (a) Any crime that is punishable as a felony involving the use or threatened
use of force or violence against the victim;
- 6 (b) A sexual offense that is punishable as a felony;
- 7 (c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that
is punishable as a felony; or
- 8 (d) A category A or B felony.

9 Solander is currently serving three concurrent terms for category B felonies. Pursuant to NRS
10 209.4465(8)(d) he is ineligible for credit against his minimum sentence.

11 Respondent also believes the crimes for which Solander was convicted involved the use or
12 threatened use of force or violence against a victim so his crimes are also ineligible for credit under NRS
13 209.4465(8)(a), and may properly be classified as violent offenses. But because the offenses are also
14 category B felonies, it is not necessary to make this additional determination.

15 Solander is not eligible for credit application against his minimum sentence. As a result, any
16 work, good time, meritorious, educational, or vocational credit that Solander has earned can only be
17 applied to his maximum sentence. Upon review of Solander's credit history sheets, the Court will see
18 that all credit Solander has earned has been properly applied to his maximum sentence each month. *See*
19 *Exhibits 4-6*.

20 A further review also shows that Solander's PED is set for February 19, 2021. *Id.* Because Solander has
21 not served the requisite term of imprisonment in order to become eligible to appear before a parole board,
22 his claim is not ripe for review.

23 CONCLUSION

24 This Court should deny Solander's *Petition for Writ of Habeas Corpus* as his claim regarding his
25 prison classification is not cognizable for habeas relief, and he has not served the requisite term of

26 ///

27 ///

28 ///

1 imprisonment in order to become eligible to appear before a parole board, making his claim for a parole
2 hearing not ripe for review.

3 Respectfully submitted this 13th day of July 2020.

4 AARON D. FORD
5 Attorney General

6 By: /s/ Katrina A. Samuels
7 Katrina A. Samuels
8 Deputy Attorney General
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AFFIRMATION
(Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the foregoing document does not contain the social security number of any person.

Dated this 13th day of July 2020.

AARON D. FORD
Attorney General

By: /s/ Katrina A. Samuels
Katrina A. Samuels
Deputy Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Response to Petition for Writ of Habeas Corpus* with the Clerk of the Court by using the electronic filing system on the 13th day of July 2020.

I certify that some of the participants in the case are not registered as electronic filing system users. I will cause the foregoing document to be mailed by First-Class Mail, postage prepaid, or have dispatched it to a third-party commercial carrier for delivery on or about July 14, 2020 to the following non e-file participants:

Dwight Solander, # 1200038
c/o High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070-0650

/s/ M. Landreth
An employee of the Office of the Attorney General

Exhibit 1

Inmate Search

Search By Offender ID	
Offender ID:	1200038
-OR-	
Search By Demographics	
First Name:	Wildcard %
Last Name:	Wildcard %
<input type="button" value="Submit"/>	

NOTICE:

The information provided here represents raw data. As such, the Nevada Department of Corrections makes no warranty or guarantee that the data is error free. The information should not be used as an official record by any law enforcement agency or any other entity.

Any questions regarding an inmate, please call Family Services at (775) 887-3367. Victims looking for inmate information please contact Victim Services at (775) 887-3393. Any questions regarding the web portal for law enforcement access to inmate information should be referred to PIO Scott Kelley. email: skelley@doc.nv.gov or (775) 887-3309

Currently, the following web browsers are supported for the Inmate Search: Internet Explorer 11, Chrome, Firefox and Opera. If you are unable to view inmate photos, please use a supported browser.

Download Offender Data

[Demographic](#), [Alias](#), [Booking](#), [Parole](#), [Release](#)

Up to date as of 2020-07-08

Identification and Demographics

Name	Offender ID	Gender	Ethnic	Age	Height	Weight	Build	Complexion	Hair	Eyes	Institution	Custody Level	Aliases	Prior Felonies
DWIGHT CONRAD SOLANDER	1200038	Male	CAUCASIAN	57	6'0"	220lb		FAIR	BROWN	GREEN	HIGH DESERT STATE PRISON	CLOSE	DWIGHT C SOLANDER, DWIGHT SOLANDER	NO

Booking Information

Offense Code	Offense Description	Sent. Status	Sent. Min	Sent. Max	Sent. PRD	Sent. MPR	Sent. County	Sent. PRD	Sent. Type	Sent. RRD	Sent. Start Date
153	CHILD ABUSE W/SEH	Active	0 yr. 36 mo. 0 days	0 yr. 120 mo. 0 days	2021-02-19	2023-01-17	CLARK COUNTY COURTHOUSE	2023-07-20	DETERMIMATE		2018-02-20
153	CHILD ABUSE W/SEH	Active	0 yr. 36 mo. 0 days	0 yr. 120 mo. 0 days	2021-02-19		CLARK COUNTY COURTHOUSE	2023-07-20	DETERMIMATE		2018-02-20
153	CHILD ABUSE W/SEH	Active	0 yr. 36 mo. 0 days	0 yr. 120 mo. 0 days	2021-02-19		CLARK COUNTY COURTHOUSE	2023-07-20	DETERMIMATE		2018-02-20

Inmate Photo

Parole Hearing Details Unavailable



Exhibit 2

Amended Information

● ORIGINAL ●

1 AINF
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JACQUELINE BLUTH
6 Chief Deputy District Attorney
7 Nevada Bar #010625
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

JAN 31 2018

BY 
JILL M CHAMBERS, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

C-14-299737-1
AINF
Amended Information
4717579



9 THE STATE OF NEVADA,
10 Plaintiff,
11 -vs-
12 DWIGHT CONRAD SOLANDER,
13 #3074262
14 Defendant.

CASE NO. C-14-299737-1
DEPT NO. XXI

AMENDED
INFORMATION

15 STATE OF NEVADA }
16 COUNTY OF CLARK } ss:

17 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State
18 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

19 That DWIGHT CONRAD SOLANDER, the Defendant above named, having
20 committed the crime of CHILD ABUSE, NEGLECT, OR ENDANGERMENT
21 RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.508
22 - NOC 55222), on or between January 19, 2011 and November 11, 2013, within the County
23 of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made
24 and provided, and against the peace and dignity of the State of Nevada,

25 COUNT 1

26 Defendant DWIGHT SOLANDER did willfully, unlawfully, and feloniously, being
27 responsible for the safety or welfare of a child under the age of 18 years, to wit: A.S. (DOB:
28 [REDACTED]) permit or allow A.S. to suffer unjustifiable physical pain or mental suffering as a

1 result of abuse or neglect, to wit: physical injury of a nonaccidental nature and/or negligent
2 treatment or maltreatment, and/or permit or allow A.S. to be placed in a situation where she
3 might have suffered unjustifiable physical pain or mental suffering as a result of abuse or
4 neglect, physical injury of a nonaccidental nature and/or negligent treatment or maltreatment,
5 by repeatedly striking the said A.S. about the buttocks and/or body with a stick, and/or by
6 causing the said A.S. to sit on a bucket for extended periods of time, and/or by causing the
7 said A.S. to hold her urine and/or bowel movements for an extended period of time, and/or by
8 causing the said A.S. to sleep on boards and/or towels with no sheets or blankets with a fan
9 blowing on her, and/or by forcing the said A.S. to take cold showers while pouring pitchers of
10 ice water on her while showering, and/or by withholding food and water from the said A.S.
11 for extended periods of time, and/or by purchasing the catheters for Defendant JANET
12 SOLANDER to insert into A.S.'s genital opening, resulting in substantial bodily and/or mental
13 harm; the Defendant DWIGHT SOLANDER and JANET SOLANDER being criminally
14 liable under one or more of the following principles of criminal liability, to wit: (1) by directly
15 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with
16 the intent that this crime be committed, by counseling, encouraging, hiring, commanding,
17 inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a
18 conspiracy to commit this crime, with the intent that this crime be committed, Defendant
19 DWIGHT SOLANDER and JANET SOLANDER aiding or abetting and/or conspiring by
20 Defendant DWIGHT SOLANDER and JANET SOLANDER acting in concert throughout.

21 COUNT 2

22 Defendant DWIGHT SOLANDER did willfully, unlawfully, and feloniously, being
23 responsible for the safety or welfare of a child under the age of 18 years, to wit: A.S. (DOB:
24 DOB: [REDACTED]) permit or allow A.S. to suffer unjustifiable physical pain or mental
25 suffering as a result of abuse or neglect, to wit: physical injury of a nonaccidental nature and/or
26 negligent treatment or maltreatment, and/or permit or allow A.S. to be placed in a situation
27 where she might have suffered unjustifiable physical pain or mental suffering as a result of
28 abuse or neglect, physical injury of a nonaccidental nature and/or negligent treatment or

1 maltreatment, by repeatedly striking the said A.S. about the buttocks and/or body with a stick,
2 and/or by causing the said A.S. to sit on a bucket for extended periods of time, and/or by
3 causing the said A.S. to hold her urine and/or bowel movements for an extended period of
4 time, and/or by causing the said A.S. to sleep on boards and/or towels with no sheets or
5 blankets with a fan blowing on her, and/or by forcing the said A.S. to take cold showers while
6 pouring pitchers of ice water on her while showering, and/or by withholding food and water
7 from the said A.S. for extended periods of time, and/or by purchasing the catheters for
8 Defendant JANET SOLANDER to insert into A.S.'s genital opening, resulting in substantial
9 bodily and/or mental harm; the Defendant DWIGHT SOLANDER and JANET SOLANDER
10 being criminally liable under one or more of the following principles of criminal liability, to
11 wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission
12 of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring,
13 commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3)
14 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed,
15 Defendant DWIGHT SOLANDER and JANET SOLANDER aiding or abetting and/or
16 conspiring by Defendant DWIGHT SOLANDER and JANET SOLANDER acting in concert
17 throughout.

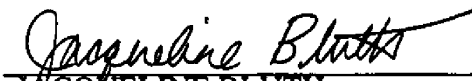
18 COUNT 3

19 Defendant DWIGHT SOLANDER did willfully, unlawfully, and feloniously, being
20 responsible for the safety or welfare of a child under the age of 18 years, to wit: A.S. (DOB:
21 [REDACTED]) permit or allow A.S. to suffer unjustifiable physical pain or mental suffering as a
22 result of abuse or neglect, to wit: physical injury of a nonaccidental nature and/or negligent
23 treatment or maltreatment, and/or permit or allow A.S. to be placed in a situation where she
24 might have suffered unjustifiable physical pain or mental suffering as a result of abuse or
25 neglect, physical injury of a nonaccidental nature and/or negligent treatment or maltreatment,
26 by repeatedly striking the said A.S. about the buttocks and/or body with a stick, and/or by
27 causing the said A.S. to sit on a bucket for extended periods of time, and/or by causing the
28 said A.S. to hold her urine and/or bowel movements for an extended period of time, and/or by

1 causing the said A.S. to sleep on boards and/or towels with no sheets or blankets with a fan
2 blowing on her, and/or by forcing the said A.S. to take cold showers while pouring pitchers of
3 ice water on her while showering, and/or by withholding food and water from the said A.S.
4 for extended periods of time, and/or by purchasing the catheters for Defendant JANET
5 SOLANDER to insert into A.S.'s genital opening, resulting in substantial bodily and/or mental
6 harm; the Defendant DWIGHT SOLANDER and JANET SOLANDER being criminally
7 liable under one or more of the following principles of criminal liability, to wit: (1) by directly
8 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with
9 the intent that this crime be committed, by counseling, encouraging, hiring, commanding,
10 inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a
11 conspiracy to commit this crime, with the intent that this crime be committed, Defendant
12 DWIGHT SOLANDER and JANET SOLANDER aiding or abetting and/or conspiring by
13 Defendant DWIGHT SOLANDER and JANET SOLANDER acting in concert throughout.

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

16
17 BY


18 JACQUELINE BLUTH
19 Chief Deputy District Attorney
20 Nevada Bar #010625
21
22
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24
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27 DA#14F04585A/jg/SVU
28 LVMPD EV#1403041293
(TK12)

Exhibit 3

Judgment of Conviction

Steven D. Grierson

JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DWIGHT CONRAD SOLANDER
#3074262

Defendant.

CASE NO. C-14-299737-1

DEPT. NO. XXI

JUDGMENT OF CONVICTION

(PLEA OF GUILTY)

The Defendant appeared before the Court with counsel and entered a plea of guilty to the crimes of COUNTS 1, 2 and 3 – CHILD ABUSE, NEGLECT OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony) in violation of NRS 200.508; thereafter, on the 5th day of June, 2018, the Defendant was present in Court with counsel CRAIG MUELLER, ESQ., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee including testing to determine genetic markers plus \$3.00 DNA Analysis Fee, the Defendant is sentenced to the

<input type="checkbox"/> Nolle Prosequi (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal
<input checked="" type="checkbox"/> Guilty Plea with Sent. (before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition	

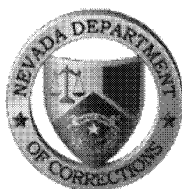
1 Nevada Department of Corrections (NDC) as follows: COUNT 1 – a MAXIMUM of ONE
2 HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of THIRTY-SIX
3 (36) MONTHS; COUNT 2 – a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS
4 with a MINIMUM parole eligibility of THIRTY-SIX (36) MONTHS, CONCURRENT with
5 COUNT 1; and COUNT 3 – a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS
6 with a MINIMUM parole eligibility of THIRTY-SIX (36) MONTHS; CONCURRENT with
7 COUNT 2; with ONE HUNDRED FIVE (105) DAYS credit for time served.
8

9 DATED this 12th day of June, 2018.
10

11
12 
13 VALERIE P. ADAIR
14 DISTRICT COURT JUDGE 
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Exhibit 4

Credit History #1



State of Nevada
Department of Corrections
Credit History by Sentence
MAX Term

Offender: SOLANDER, DWIGHT - 0001200038						Sentence: 1	Count: 1	
Current Earned Expiration Date: 08/22/2026								
Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
C-14-299737-1	06/05/2018	105	02/20/2018	0y 120m	3652	02/19/2021	07/20/2023	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
02/20/2018	02/28/2018	FLAT	9	No Comment	3643
02/20/2018	02/28/2018	STAT	7	No Comment	3636
02/20/2018	02/28/2018	WORK	0	No Comment	3636
03/01/2018	03/31/2018	FLAT	31	No Comment	3605
03/01/2018	03/31/2018	STAT	20	No Comment	3585
03/01/2018	03/31/2018	WORK	0	No Comment	3585
04/01/2018	04/30/2018	FLAT	30	No Comment	3555
04/01/2018	04/30/2018	STAT	20	No Comment	3535
04/01/2018	04/30/2018	WORK	0	No Comment	3535
05/01/2018	05/31/2018	FLAT	31	No Comment	3504
05/01/2018	05/31/2018	STAT	20	No Comment	3484
05/01/2018	05/31/2018	WORK	0	No Comment	3484
06/01/2018	06/04/2018	FLAT	4	No Comment	3480
06/01/2018	06/04/2018	STAT	3	No Comment	3477
06/01/2018	06/30/2018	WORK	0	Reduction for not working	3477
06/05/2018	06/30/2018	FLAT	26	No Comment	3451
06/05/2018	06/30/2018	STAT	17	No Comment	3434
07/01/2018	07/31/2018	FLAT	31	No Comment	3403
07/01/2018	07/31/2018	STAT	20	No Comment	3383
07/01/2018	07/31/2018	WORK	0	Reduction for not working	3383
08/01/2018	08/31/2018	FLAT	31	No Comment	3352
08/01/2018	08/31/2018	STAT	20	No Comment	3332
08/01/2018	08/31/2018	WORK	0	Reduction for not working	3332
09/01/2018	09/30/2018	FLAT	30	No Comment	3302
09/01/2018	09/30/2018	STAT	20	No Comment	3282
09/01/2018	09/30/2018	WORK	0	Reduction for not working	3282
10/01/2018	10/31/2018	FLAT	31	No Comment	3251
10/01/2018	10/31/2018	STAT	20	No Comment	3231
10/01/2018	10/31/2018	WORK	0	Reduction for not working	3231
11/01/2018	11/30/2018	FLAT	30	No Comment	3201
11/01/2018	11/30/2018	STAT	20	No Comment	3181
11/01/2018	11/30/2018	WORK	0	Reduction for not working	3181
12/01/2018	12/31/2018	FLAT	31	No Comment	3150
12/01/2018	12/31/2018	STAT	20	No Comment	3130
12/01/2018	12/31/2018	WORK	0	Reduction for not working	3130
01/01/2019	01/31/2019	FLAT	31	No Comment	3099
01/01/2019	01/31/2019	STAT	20	No Comment	3079

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

Offender: SOLANDER, DWIGHT - 0001200038

Sentence: 1

Count: 1

Current Earned Expiration Date: 08/22/2026

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
C-14-299737-1	06/05/2018	105	02/20/2018	0y 120m	3652	02/19/2021	07/20/2023	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
01/01/2019	01/31/2019	WORK	0	Reduction for not working	3079
02/01/2019	02/28/2019	FLAT	28	No Comment	3051
02/01/2019	02/28/2019	STAT	20	No Comment	3031
02/01/2019	02/28/2019	WORK	0	Reduction for not working	3031
03/01/2019	03/31/2019	FLAT	31	No Comment	3000
03/01/2019	03/31/2019	STAT	20	No Comment	2980
03/01/2019	03/31/2019	WORK	0	Reduction for not working	2980
04/01/2019	04/30/2019	FLAT	30	No Comment	2950
04/01/2019	04/30/2019	STAT	20	No Comment	2930
04/01/2019	04/30/2019	WORK	0	Reduction for not working	2930
05/01/2019	05/31/2019	FLAT	31	No Comment	2899
05/01/2019	05/31/2019	STAT	20	No Comment	2879
05/01/2019	05/31/2019	WORK	0	Reduction for not working	2879
06/01/2019	06/30/2019	FLAT	30	No Comment	2849
06/01/2019	06/30/2019	STAT	20	No Comment	2829
06/01/2019	06/30/2019	WORK	0	Reduction for not working	2829
07/01/2019	07/31/2019	FLAT	31	No Comment	2798
07/01/2019	07/31/2019	STAT	20	No Comment	2778
07/01/2019	07/31/2019	WORK	0	Reduction for not working	2778
08/01/2019	08/31/2019	FLAT	31	No Comment	2747
08/01/2019	08/31/2019	STAT	20	No Comment	2727
08/01/2019	08/31/2019	WORK	0	Reduction for not working	2727
09/01/2019	09/30/2019	FLAT	30	No Comment	2697
09/01/2019	09/30/2019	STAT	20	No Comment	2677
09/01/2019	09/30/2019	WORK	0	Reduction for not working	2677
10/01/2019	10/31/2019	FLAT	31	No Comment	2646
10/01/2019	10/31/2019	STAT	20	No Comment	2626
10/01/2019	10/31/2019	WORK	0	Reduction for not working	2626
11/01/2019	11/30/2019	FLAT	30	No Comment	2596
11/01/2019	11/30/2019	STAT	20	No Comment	2576
11/01/2019	11/30/2019	WORK	0	Reduction for not working	2576
12/01/2019	12/31/2019	FLAT	31	No Comment	2545
12/01/2019	12/31/2019	STAT	20	No Comment	2525
12/01/2019	12/31/2019	WORK	0	Reduction for not working	2525
01/01/2020	01/31/2020	FLAT	31	No Comment	2494
01/01/2020	01/31/2020	STAT	20	No Comment	2474
01/01/2020	01/31/2020	WORK	0	Reduction for not working	2474
02/01/2020	02/29/2020	FLAT	29	No Comment	2445
02/01/2020	02/29/2020	STAT	20	No Comment	2425
02/01/2020	02/29/2020	WORK	0	Reduction for not working	2425
03/01/2020	03/31/2020	FLAT	31	No Comment	2394
03/01/2020	03/31/2020	STAT	20	No Comment	2374
03/01/2020	03/31/2020	WORK	0	Reduction for not working	2374

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

Offender: SOLANDER, DWIGHT - 0001200038

Sentence: 1

Count: 1

Current Earned Expiration Date: 08/22/2026

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
C-14-299737-1	06/05/2018	105	02/20/2018	0y 120m	3652	02/19/2021	07/20/2023	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
04/01/2020	04/30/2020	FLAT	30	No Comment	2344
04/01/2020	04/30/2020	STAT	20	No Comment	2324
04/01/2020	04/30/2020	WORK	0	Reduction for not working	2324
05/01/2020	05/31/2020	FLAT	31	No Comment	2293
05/01/2020	05/31/2020	STAT	20	No Comment	2273
05/01/2020	05/31/2020	WORK	0	Reduction for not working	2273
06/01/2020	06/30/2020	FLAT	30	No Comment	2243
06/01/2020	06/30/2020	STAT	20	No Comment	2223
06/01/2020	06/30/2020	WORK	10	No Comment	2213
07/01/2020	07/31/2020	FLAT	31	No Comment	2182
07/01/2020	07/31/2020	STAT	20	No Comment	2162
07/01/2020	07/31/2020	WORK	10	No Comment	2152
08/01/2020	08/31/2020	FLAT	31	No Comment	2121
08/01/2020	08/31/2020	STAT	20	No Comment	2101
08/01/2020	08/31/2020	WORK	10	No Comment	2091
09/01/2020	09/30/2020	FLAT	30	No Comment	2061
09/01/2020	09/30/2020	STAT	20	No Comment	2041
09/01/2020	09/30/2020	WORK	10	No Comment	2031
10/01/2020	10/31/2020	FLAT	31	No Comment	2000
10/01/2020	10/31/2020	STAT	20	No Comment	1980
10/01/2020	10/31/2020	WORK	10	No Comment	1970
11/01/2020	11/30/2020	FLAT	30	No Comment	1940
11/01/2020	11/30/2020	STAT	20	No Comment	1920
11/01/2020	11/30/2020	WORK	10	No Comment	1910
12/01/2020	12/31/2020	FLAT	31	No Comment	1879
12/01/2020	12/31/2020	STAT	20	No Comment	1859
12/01/2020	12/31/2020	WORK	10	No Comment	1849
01/01/2021	01/31/2021	FLAT	31	No Comment	1818
01/01/2021	01/31/2021	STAT	20	No Comment	1798
01/01/2021	01/31/2021	WORK	10	No Comment	1788
02/01/2021	02/28/2021	FLAT	28	No Comment	1760
02/01/2021	02/28/2021	STAT	20	No Comment	1740
02/01/2021	02/28/2021	WORK	10	No Comment	1730
03/01/2021	03/31/2021	FLAT	31	No Comment	1699
03/01/2021	03/31/2021	STAT	20	No Comment	1679
03/01/2021	03/31/2021	WORK	10	No Comment	1669
04/01/2021	04/30/2021	FLAT	30	No Comment	1639
04/01/2021	04/30/2021	STAT	20	No Comment	1619
04/01/2021	04/30/2021	WORK	10	No Comment	1609
05/01/2021	05/31/2021	FLAT	31	No Comment	1578
05/01/2021	05/31/2021	STAT	20	No Comment	1558
05/01/2021	05/31/2021	WORK	10	No Comment	1548
06/01/2021	06/30/2021	FLAT	30	No Comment	1518

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

Offender: SOLANDER, DWIGHT - 0001200038

Sentence: 1

Count: 1

Current Earned Expiration Date: 08/22/2026

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
C-14-299737-1	06/05/2018	105	02/20/2018	0y 120m	3652	02/19/2021	07/20/2023	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
06/01/2021	06/30/2021	STAT	20	No Comment	1498
06/01/2021	06/30/2021	WORK	10	No Comment	1488
07/01/2021	07/31/2021	FLAT	31	No Comment	1457
07/01/2021	07/31/2021	STAT	20	No Comment	1437
07/01/2021	07/31/2021	WORK	10	No Comment	1427
08/01/2021	08/31/2021	FLAT	31	No Comment	1396
08/01/2021	08/31/2021	STAT	20	No Comment	1376
08/01/2021	08/31/2021	WORK	10	No Comment	1366
09/01/2021	09/30/2021	FLAT	30	No Comment	1336
09/01/2021	09/30/2021	STAT	20	No Comment	1316
09/01/2021	09/30/2021	WORK	10	No Comment	1306
10/01/2021	10/31/2021	FLAT	31	No Comment	1275
10/01/2021	10/31/2021	STAT	20	No Comment	1255
10/01/2021	10/31/2021	WORK	10	No Comment	1245
11/01/2021	11/30/2021	FLAT	30	No Comment	1215
11/01/2021	11/30/2021	STAT	20	No Comment	1195
11/01/2021	11/30/2021	WORK	10	No Comment	1185
12/01/2021	12/31/2021	FLAT	31	No Comment	1154
12/01/2021	12/31/2021	STAT	20	No Comment	1134
12/01/2021	12/31/2021	WORK	10	No Comment	1124
01/01/2022	01/31/2022	FLAT	31	No Comment	1093
01/01/2022	01/31/2022	STAT	20	No Comment	1073
01/01/2022	01/31/2022	WORK	10	No Comment	1063
02/01/2022	02/28/2022	FLAT	28	No Comment	1035
02/01/2022	02/28/2022	STAT	20	No Comment	1015
02/01/2022	02/28/2022	WORK	10	No Comment	1005
03/01/2022	03/31/2022	FLAT	31	No Comment	974
03/01/2022	03/31/2022	STAT	20	No Comment	954
03/01/2022	03/31/2022	WORK	10	No Comment	944
04/01/2022	04/30/2022	FLAT	30	No Comment	914
04/01/2022	04/30/2022	STAT	20	No Comment	894
04/01/2022	04/30/2022	WORK	10	No Comment	884
05/01/2022	05/31/2022	FLAT	31	No Comment	853
05/01/2022	05/31/2022	STAT	20	No Comment	833
05/01/2022	05/31/2022	WORK	10	No Comment	823
06/01/2022	06/30/2022	FLAT	30	No Comment	793
06/01/2022	06/30/2022	STAT	20	No Comment	773
06/01/2022	06/30/2022	WORK	10	No Comment	763
07/01/2022	07/31/2022	FLAT	31	No Comment	732
07/01/2022	07/31/2022	STAT	20	No Comment	712
07/01/2022	07/31/2022	WORK	10	No Comment	702
08/01/2022	08/31/2022	FLAT	31	No Comment	671
08/01/2022	08/31/2022	STAT	20	No Comment	651

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

Offender: SOLANDER, DWIGHT - 0001200038

Sentence: 1

Count: 1

Current Earned Expiration Date: 08/22/2026

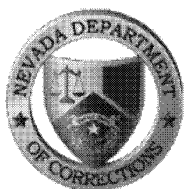
Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
C-14-299737-1	06/05/2018	105	02/20/2018	0y 120m	3652	02/19/2021	07/20/2023	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
08/01/2022	08/31/2022	WORK	10	No Comment	641
09/01/2022	09/30/2022	FLAT	30	No Comment	611
09/01/2022	09/30/2022	STAT	20	No Comment	591
09/01/2022	09/30/2022	WORK	10	No Comment	581
10/01/2022	10/31/2022	FLAT	31	No Comment	550
10/01/2022	10/31/2022	STAT	20	No Comment	530
10/01/2022	10/31/2022	WORK	10	No Comment	520
11/01/2022	11/30/2022	FLAT	30	No Comment	490
11/01/2022	11/30/2022	STAT	20	No Comment	470
11/01/2022	11/30/2022	WORK	10	No Comment	460
12/01/2022	12/31/2022	FLAT	31	No Comment	429
12/01/2022	12/31/2022	STAT	20	No Comment	409
12/01/2022	12/31/2022	WORK	10	No Comment	399
01/01/2023	01/31/2023	FLAT	31	No Comment	368
01/01/2023	01/31/2023	STAT	20	No Comment	348
01/01/2023	01/31/2023	WORK	10	No Comment	338
02/01/2023	02/28/2023	FLAT	28	No Comment	310
02/01/2023	02/28/2023	STAT	20	No Comment	290
02/01/2023	02/28/2023	WORK	10	No Comment	280
03/01/2023	03/31/2023	FLAT	31	No Comment	249
03/01/2023	03/31/2023	STAT	20	No Comment	229
03/01/2023	03/31/2023	WORK	10	No Comment	219
04/01/2023	04/30/2023	FLAT	30	No Comment	189
04/01/2023	04/30/2023	STAT	20	No Comment	169
04/01/2023	04/30/2023	WORK	10	No Comment	159
05/01/2023	05/31/2023	FLAT	31	No Comment	128
05/01/2023	05/31/2023	STAT	20	No Comment	108
05/01/2023	05/31/2023	WORK	10	No Comment	98
06/01/2023	06/30/2023	FLAT	30	No Comment	68
06/01/2023	06/30/2023	STAT	20	No Comment	48
06/01/2023	06/30/2023	WORK	10	No Comment	38
07/01/2023	07/20/2023	FLAT	20	No Comment	18
07/01/2023	07/20/2023	STAT	12	No Comment	6
07/01/2023	07/20/2023	WORK	6	No Comment	0

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

Exhibit 5

Credit History #2



State of Nevada
Department of Corrections
Credit History by Sentence
MAX Term

Offender: SOLANDER, DWIGHT - 0001200038						Sentence: 2	Count: 2	
Current Earned Expiration Date: 08/22/2026								
Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
C-14-299737-1	06/05/2018	105	02/20/2018	0y 120m	3652	02/19/2021	07/20/2023	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
02/20/2018	02/28/2018	FLAT	9	No Comment	3643
02/20/2018	02/28/2018	STAT	7	No Comment	3636
02/20/2018	02/28/2018	WORK	0	No Comment	3636
03/01/2018	03/31/2018	FLAT	31	No Comment	3605
03/01/2018	03/31/2018	STAT	20	No Comment	3585
03/01/2018	03/31/2018	WORK	0	No Comment	3585
04/01/2018	04/30/2018	FLAT	30	No Comment	3555
04/01/2018	04/30/2018	STAT	20	No Comment	3535
04/01/2018	04/30/2018	WORK	0	No Comment	3535
05/01/2018	05/31/2018	FLAT	31	No Comment	3504
05/01/2018	05/31/2018	STAT	20	No Comment	3484
05/01/2018	05/31/2018	WORK	0	No Comment	3484
06/01/2018	06/04/2018	FLAT	4	No Comment	3480
06/01/2018	06/04/2018	STAT	3	No Comment	3477
06/01/2018	06/30/2018	WORK	0	Reduction for not working	3477
06/05/2018	06/30/2018	FLAT	26	No Comment	3451
06/05/2018	06/30/2018	STAT	17	No Comment	3434
07/01/2018	07/31/2018	FLAT	31	No Comment	3403
07/01/2018	07/31/2018	STAT	20	No Comment	3383
07/01/2018	07/31/2018	WORK	0	Reduction for not working	3383
08/01/2018	08/31/2018	FLAT	31	No Comment	3352
08/01/2018	08/31/2018	STAT	20	No Comment	3332
08/01/2018	08/31/2018	WORK	0	Reduction for not working	3332
09/01/2018	09/30/2018	FLAT	30	No Comment	3302
09/01/2018	09/30/2018	STAT	20	No Comment	3282
09/01/2018	09/30/2018	WORK	0	Reduction for not working	3282
10/01/2018	10/31/2018	FLAT	31	No Comment	3251
10/01/2018	10/31/2018	STAT	20	No Comment	3231
10/01/2018	10/31/2018	WORK	0	Reduction for not working	3231
11/01/2018	11/30/2018	FLAT	30	No Comment	3201
11/01/2018	11/30/2018	STAT	20	No Comment	3181
11/01/2018	11/30/2018	WORK	0	Reduction for not working	3181
12/01/2018	12/31/2018	FLAT	31	No Comment	3150
12/01/2018	12/31/2018	STAT	20	No Comment	3130
12/01/2018	12/31/2018	WORK	0	Reduction for not working	3130
01/01/2019	01/31/2019	FLAT	31	No Comment	3099
01/01/2019	01/31/2019	STAT	20	No Comment	3079

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

Offender: SOLANDER, DWIGHT - 0001200038

Sentence: 2

Count: 2

Current Earned Expiration Date: 08/22/2026

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
C-14-299737-1	06/05/2018	105	02/20/2018	0y 120m	3652	02/19/2021	07/20/2023	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
01/01/2019	01/31/2019	WORK	0	Reduction for not working	3079
02/01/2019	02/28/2019	FLAT	28	No Comment	3051
02/01/2019	02/28/2019	STAT	20	No Comment	3031
02/01/2019	02/28/2019	WORK	0	Reduction for not working	3031
03/01/2019	03/31/2019	FLAT	31	No Comment	3000
03/01/2019	03/31/2019	STAT	20	No Comment	2980
03/01/2019	03/31/2019	WORK	0	Reduction for not working	2980
04/01/2019	04/30/2019	FLAT	30	No Comment	2950
04/01/2019	04/30/2019	STAT	20	No Comment	2930
04/01/2019	04/30/2019	WORK	0	Reduction for not working	2930
05/01/2019	05/31/2019	FLAT	31	No Comment	2899
05/01/2019	05/31/2019	STAT	20	No Comment	2879
05/01/2019	05/31/2019	WORK	0	Reduction for not working	2879
06/01/2019	06/30/2019	FLAT	30	No Comment	2849
06/01/2019	06/30/2019	STAT	20	No Comment	2829
06/01/2019	06/30/2019	WORK	0	Reduction for not working	2829
07/01/2019	07/31/2019	FLAT	31	No Comment	2798
07/01/2019	07/31/2019	STAT	20	No Comment	2778
07/01/2019	07/31/2019	WORK	0	Reduction for not working	2778
08/01/2019	08/31/2019	FLAT	31	No Comment	2747
08/01/2019	08/31/2019	STAT	20	No Comment	2727
08/01/2019	08/31/2019	WORK	0	Reduction for not working	2727
09/01/2019	09/30/2019	FLAT	30	No Comment	2697
09/01/2019	09/30/2019	STAT	20	No Comment	2677
09/01/2019	09/30/2019	WORK	0	Reduction for not working	2677
10/01/2019	10/31/2019	FLAT	31	No Comment	2646
10/01/2019	10/31/2019	STAT	20	No Comment	2626
10/01/2019	10/31/2019	WORK	0	Reduction for not working	2626
11/01/2019	11/30/2019	FLAT	30	No Comment	2596
11/01/2019	11/30/2019	STAT	20	No Comment	2576
11/01/2019	11/30/2019	WORK	0	Reduction for not working	2576
12/01/2019	12/31/2019	FLAT	31	No Comment	2545
12/01/2019	12/31/2019	STAT	20	No Comment	2525
12/01/2019	12/31/2019	WORK	0	Reduction for not working	2525
01/01/2020	01/31/2020	FLAT	31	No Comment	2494
01/01/2020	01/31/2020	STAT	20	No Comment	2474
01/01/2020	01/31/2020	WORK	0	Reduction for not working	2474
02/01/2020	02/29/2020	FLAT	29	No Comment	2445
02/01/2020	02/29/2020	STAT	20	No Comment	2425
02/01/2020	02/29/2020	WORK	0	Reduction for not working	2425
03/01/2020	03/31/2020	FLAT	31	No Comment	2394
03/01/2020	03/31/2020	STAT	20	No Comment	2374
03/01/2020	03/31/2020	WORK	0	Reduction for not working	2374

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Offender: SOLANDER, DWIGHT - 0001200038

Sentence: 2

Count: 2

Current Earned Expiration Date: 08/22/2026

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
C-14-299737-1	06/05/2018	105	02/20/2018	0y 120m	3652	02/19/2021	07/20/2023	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
04/01/2020	04/30/2020	FLAT	30	No Comment	2344
04/01/2020	04/30/2020	STAT	20	No Comment	2324
04/01/2020	04/30/2020	WORK	0	Reduction for not working	2324
05/01/2020	05/31/2020	FLAT	31	No Comment	2293
05/01/2020	05/31/2020	STAT	20	No Comment	2273
05/01/2020	05/31/2020	WORK	0	Reduction for not working	2273
06/01/2020	06/30/2020	FLAT	30	No Comment	2243
06/01/2020	06/30/2020	STAT	20	No Comment	2223
06/01/2020	06/30/2020	WORK	10	No Comment	2213
07/01/2020	07/31/2020	FLAT	31	No Comment	2182
07/01/2020	07/31/2020	STAT	20	No Comment	2162
07/01/2020	07/31/2020	WORK	10	No Comment	2152
08/01/2020	08/31/2020	FLAT	31	No Comment	2121
08/01/2020	08/31/2020	STAT	20	No Comment	2101
08/01/2020	08/31/2020	WORK	10	No Comment	2091
09/01/2020	09/30/2020	FLAT	30	No Comment	2061
09/01/2020	09/30/2020	STAT	20	No Comment	2041
09/01/2020	09/30/2020	WORK	10	No Comment	2031
10/01/2020	10/31/2020	FLAT	31	No Comment	2000
10/01/2020	10/31/2020	STAT	20	No Comment	1980
10/01/2020	10/31/2020	WORK	10	No Comment	1970
11/01/2020	11/30/2020	FLAT	30	No Comment	1940
11/01/2020	11/30/2020	STAT	20	No Comment	1920
11/01/2020	11/30/2020	WORK	10	No Comment	1910
12/01/2020	12/31/2020	FLAT	31	No Comment	1879
12/01/2020	12/31/2020	STAT	20	No Comment	1859
12/01/2020	12/31/2020	WORK	10	No Comment	1849
01/01/2021	01/31/2021	FLAT	31	No Comment	1818
01/01/2021	01/31/2021	STAT	20	No Comment	1798
01/01/2021	01/31/2021	WORK	10	No Comment	1788
02/01/2021	02/28/2021	FLAT	28	No Comment	1760
02/01/2021	02/28/2021	STAT	20	No Comment	1740
02/01/2021	02/28/2021	WORK	10	No Comment	1730
03/01/2021	03/31/2021	FLAT	31	No Comment	1699
03/01/2021	03/31/2021	STAT	20	No Comment	1679
03/01/2021	03/31/2021	WORK	10	No Comment	1669
04/01/2021	04/30/2021	FLAT	30	No Comment	1639
04/01/2021	04/30/2021	STAT	20	No Comment	1619
04/01/2021	04/30/2021	WORK	10	No Comment	1609
05/01/2021	05/31/2021	FLAT	31	No Comment	1578
05/01/2021	05/31/2021	STAT	20	No Comment	1558
05/01/2021	05/31/2021	WORK	10	No Comment	1548
06/01/2021	06/30/2021	FLAT	30	No Comment	1518

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Offender: SOLANDER, DWIGHT - 0001200038

Sentence: 2

Count: 2

Current Earned Expiration Date: 08/22/2026

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
C-14-299737-1	06/05/2018	105	02/20/2018	0y 120m	3652	02/19/2021	07/20/2023	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
06/01/2021	06/30/2021	STAT	20	No Comment	1498
06/01/2021	06/30/2021	WORK	10	No Comment	1488
07/01/2021	07/31/2021	FLAT	31	No Comment	1457
07/01/2021	07/31/2021	STAT	20	No Comment	1437
07/01/2021	07/31/2021	WORK	10	No Comment	1427
08/01/2021	08/31/2021	FLAT	31	No Comment	1396
08/01/2021	08/31/2021	STAT	20	No Comment	1376
08/01/2021	08/31/2021	WORK	10	No Comment	1366
09/01/2021	09/30/2021	FLAT	30	No Comment	1336
09/01/2021	09/30/2021	STAT	20	No Comment	1316
09/01/2021	09/30/2021	WORK	10	No Comment	1306
10/01/2021	10/31/2021	FLAT	31	No Comment	1275
10/01/2021	10/31/2021	STAT	20	No Comment	1255
10/01/2021	10/31/2021	WORK	10	No Comment	1245
11/01/2021	11/30/2021	FLAT	30	No Comment	1215
11/01/2021	11/30/2021	STAT	20	No Comment	1195
11/01/2021	11/30/2021	WORK	10	No Comment	1185
12/01/2021	12/31/2021	FLAT	31	No Comment	1154
12/01/2021	12/31/2021	STAT	20	No Comment	1134
12/01/2021	12/31/2021	WORK	10	No Comment	1124
01/01/2022	01/31/2022	FLAT	31	No Comment	1093
01/01/2022	01/31/2022	STAT	20	No Comment	1073
01/01/2022	01/31/2022	WORK	10	No Comment	1063
02/01/2022	02/28/2022	FLAT	28	No Comment	1035
02/01/2022	02/28/2022	STAT	20	No Comment	1015
02/01/2022	02/28/2022	WORK	10	No Comment	1005
03/01/2022	03/31/2022	FLAT	31	No Comment	974
03/01/2022	03/31/2022	STAT	20	No Comment	954
03/01/2022	03/31/2022	WORK	10	No Comment	944
04/01/2022	04/30/2022	FLAT	30	No Comment	914
04/01/2022	04/30/2022	STAT	20	No Comment	894
04/01/2022	04/30/2022	WORK	10	No Comment	884
05/01/2022	05/31/2022	FLAT	31	No Comment	853
05/01/2022	05/31/2022	STAT	20	No Comment	833
05/01/2022	05/31/2022	WORK	10	No Comment	823
06/01/2022	06/30/2022	FLAT	30	No Comment	793
06/01/2022	06/30/2022	STAT	20	No Comment	773
06/01/2022	06/30/2022	WORK	10	No Comment	763
07/01/2022	07/31/2022	FLAT	31	No Comment	732
07/01/2022	07/31/2022	STAT	20	No Comment	712
07/01/2022	07/31/2022	WORK	10	No Comment	702
08/01/2022	08/31/2022	FLAT	31	No Comment	671
08/01/2022	08/31/2022	STAT	20	No Comment	651

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Offender: SOLANDER, DWIGHT - 0001200038

Sentence: 2

Count: 2

Current Earned Expiration Date: 08/22/2026

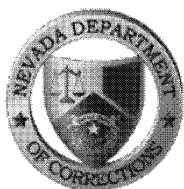
Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
C-14-299737-1	06/05/2018	105	02/20/2018	0y 120m	3652	02/19/2021	07/20/2023	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
08/01/2022	08/31/2022	WORK	10	No Comment	641
09/01/2022	09/30/2022	FLAT	30	No Comment	611
09/01/2022	09/30/2022	STAT	20	No Comment	591
09/01/2022	09/30/2022	WORK	10	No Comment	581
10/01/2022	10/31/2022	FLAT	31	No Comment	550
10/01/2022	10/31/2022	STAT	20	No Comment	530
10/01/2022	10/31/2022	WORK	10	No Comment	520
11/01/2022	11/30/2022	FLAT	30	No Comment	490
11/01/2022	11/30/2022	STAT	20	No Comment	470
11/01/2022	11/30/2022	WORK	10	No Comment	460
12/01/2022	12/31/2022	FLAT	31	No Comment	429
12/01/2022	12/31/2022	STAT	20	No Comment	409
12/01/2022	12/31/2022	WORK	10	No Comment	399
01/01/2023	01/31/2023	FLAT	31	No Comment	368
01/01/2023	01/31/2023	STAT	20	No Comment	348
01/01/2023	01/31/2023	WORK	10	No Comment	338
02/01/2023	02/28/2023	FLAT	28	No Comment	310
02/01/2023	02/28/2023	STAT	20	No Comment	290
02/01/2023	02/28/2023	WORK	10	No Comment	280
03/01/2023	03/31/2023	FLAT	31	No Comment	249
03/01/2023	03/31/2023	STAT	20	No Comment	229
03/01/2023	03/31/2023	WORK	10	No Comment	219
04/01/2023	04/30/2023	FLAT	30	No Comment	189
04/01/2023	04/30/2023	STAT	20	No Comment	169
04/01/2023	04/30/2023	WORK	10	No Comment	159
05/01/2023	05/31/2023	FLAT	31	No Comment	128
05/01/2023	05/31/2023	STAT	20	No Comment	108
05/01/2023	05/31/2023	WORK	10	No Comment	98
06/01/2023	06/30/2023	FLAT	30	No Comment	68
06/01/2023	06/30/2023	STAT	20	No Comment	48
06/01/2023	06/30/2023	WORK	10	No Comment	38
07/01/2023	07/20/2023	FLAT	20	No Comment	18
07/01/2023	07/20/2023	STAT	12	No Comment	6
07/01/2023	07/20/2023	WORK	6	No Comment	0

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Exhibit 6

Credit History #3



State of Nevada
Department of Corrections
Credit History by Sentence
MAX Term

Offender: SOLANDER, DWIGHT - 0001200038						Sentence: 3	Count: 3	
Current Earned Expiration Date: 08/22/2026								
Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
C-14-299737-1	06/05/2018	105	02/20/2018	0y 120m	3652	02/19/2021	07/20/2023	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
02/20/2018	02/28/2018	FLAT	9	No Comment	3643
02/20/2018	02/28/2018	STAT	7	No Comment	3636
02/20/2018	02/28/2018	WORK	0	No Comment	3636
03/01/2018	03/31/2018	FLAT	31	No Comment	3605
03/01/2018	03/31/2018	STAT	20	No Comment	3585
03/01/2018	03/31/2018	WORK	0	No Comment	3585
04/01/2018	04/30/2018	FLAT	30	No Comment	3555
04/01/2018	04/30/2018	STAT	20	No Comment	3535
04/01/2018	04/30/2018	WORK	0	No Comment	3535
05/01/2018	05/31/2018	FLAT	31	No Comment	3504
05/01/2018	05/31/2018	STAT	20	No Comment	3484
05/01/2018	05/31/2018	WORK	0	No Comment	3484
06/01/2018	06/04/2018	FLAT	4	No Comment	3480
06/01/2018	06/04/2018	STAT	3	No Comment	3477
06/01/2018	06/30/2018	WORK	0	Reduction for not working	3477
06/05/2018	06/30/2018	FLAT	26	No Comment	3451
06/05/2018	06/30/2018	STAT	17	No Comment	3434
07/01/2018	07/31/2018	FLAT	31	No Comment	3403
07/01/2018	07/31/2018	STAT	20	No Comment	3383
07/01/2018	07/31/2018	WORK	0	Reduction for not working	3383
08/01/2018	08/31/2018	FLAT	31	No Comment	3352
08/01/2018	08/31/2018	STAT	20	No Comment	3332
08/01/2018	08/31/2018	WORK	0	Reduction for not working	3332
09/01/2018	09/30/2018	FLAT	30	No Comment	3302
09/01/2018	09/30/2018	STAT	20	No Comment	3282
09/01/2018	09/30/2018	WORK	0	Reduction for not working	3282
10/01/2018	10/31/2018	FLAT	31	No Comment	3251
10/01/2018	10/31/2018	STAT	20	No Comment	3231
10/01/2018	10/31/2018	WORK	0	Reduction for not working	3231
11/01/2018	11/30/2018	FLAT	30	No Comment	3201
11/01/2018	11/30/2018	STAT	20	No Comment	3181
11/01/2018	11/30/2018	WORK	0	Reduction for not working	3181
12/01/2018	12/31/2018	FLAT	31	No Comment	3150
12/01/2018	12/31/2018	STAT	20	No Comment	3130
12/01/2018	12/31/2018	WORK	0	Reduction for not working	3130
01/01/2019	01/31/2019	FLAT	31	No Comment	3099
01/01/2019	01/31/2019	STAT	20	No Comment	3079

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Offender: SOLANDER, DWIGHT - 0001200038

Sentence: 3

Count: 3

Current Earned Expiration Date: 08/22/2026

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
C-14-299737-1	06/05/2018	105	02/20/2018	0y 120m	3652	02/19/2021	07/20/2023	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
01/01/2019	01/31/2019	WORK	0	Reduction for not working	3079
02/01/2019	02/28/2019	FLAT	28	No Comment	3051
02/01/2019	02/28/2019	STAT	20	No Comment	3031
02/01/2019	02/28/2019	WORK	0	Reduction for not working	3031
03/01/2019	03/31/2019	FLAT	31	No Comment	3000
03/01/2019	03/31/2019	STAT	20	No Comment	2980
03/01/2019	03/31/2019	WORK	0	Reduction for not working	2980
04/01/2019	04/30/2019	FLAT	30	No Comment	2950
04/01/2019	04/30/2019	STAT	20	No Comment	2930
04/01/2019	04/30/2019	WORK	0	Reduction for not working	2930
05/01/2019	05/31/2019	FLAT	31	No Comment	2899
05/01/2019	05/31/2019	STAT	20	No Comment	2879
05/01/2019	05/31/2019	WORK	0	Reduction for not working	2879
06/01/2019	06/30/2019	FLAT	30	No Comment	2849
06/01/2019	06/30/2019	STAT	20	No Comment	2829
06/01/2019	06/30/2019	WORK	0	Reduction for not working	2829
07/01/2019	07/31/2019	FLAT	31	No Comment	2798
07/01/2019	07/31/2019	STAT	20	No Comment	2778
07/01/2019	07/31/2019	WORK	0	Reduction for not working	2778
08/01/2019	08/31/2019	FLAT	31	No Comment	2747
08/01/2019	08/31/2019	STAT	20	No Comment	2727
08/01/2019	08/31/2019	WORK	0	Reduction for not working	2727
09/01/2019	09/30/2019	FLAT	30	No Comment	2697
09/01/2019	09/30/2019	STAT	20	No Comment	2677
09/01/2019	09/30/2019	WORK	0	Reduction for not working	2677
10/01/2019	10/31/2019	FLAT	31	No Comment	2646
10/01/2019	10/31/2019	STAT	20	No Comment	2626
10/01/2019	10/31/2019	WORK	0	Reduction for not working	2626
11/01/2019	11/30/2019	FLAT	30	No Comment	2596
11/01/2019	11/30/2019	STAT	20	No Comment	2576
11/01/2019	11/30/2019	WORK	0	Reduction for not working	2576
12/01/2019	12/31/2019	FLAT	31	No Comment	2545
12/01/2019	12/31/2019	STAT	20	No Comment	2525
12/01/2019	12/31/2019	WORK	0	Reduction for not working	2525
01/01/2020	01/31/2020	FLAT	31	No Comment	2494
01/01/2020	01/31/2020	STAT	20	No Comment	2474
01/01/2020	01/31/2020	WORK	0	Reduction for not working	2474
02/01/2020	02/29/2020	FLAT	29	No Comment	2445
02/01/2020	02/29/2020	STAT	20	No Comment	2425
02/01/2020	02/29/2020	WORK	0	Reduction for not working	2425
03/01/2020	03/31/2020	FLAT	31	No Comment	2394
03/01/2020	03/31/2020	STAT	20	No Comment	2374
03/01/2020	03/31/2020	WORK	0	Reduction for not working	2374

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C-14-299737-1	06/05/2018	105	02/20/2018	0y 120m	3652	02/19/2021	07/20/2023	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
04/01/2020	04/30/2020	FLAT	30	No Comment	2344
04/01/2020	04/30/2020	STAT	20	No Comment	2324
04/01/2020	04/30/2020	WORK	0	Reduction for not working	2324
05/01/2020	05/31/2020	FLAT	31	No Comment	2293
05/01/2020	05/31/2020	STAT	20	No Comment	2273
05/01/2020	05/31/2020	WORK	0	Reduction for not working	2273
06/01/2020	06/30/2020	FLAT	30	No Comment	2243
06/01/2020	06/30/2020	STAT	20	No Comment	2223
06/01/2020	06/30/2020	WORK	10	No Comment	2213
07/01/2020	07/31/2020	FLAT	31	No Comment	2182
07/01/2020	07/31/2020	STAT	20	No Comment	2162
07/01/2020	07/31/2020	WORK	10	No Comment	2152
08/01/2020	08/31/2020	FLAT	31	No Comment	2121
08/01/2020	08/31/2020	STAT	20	No Comment	2101
08/01/2020	08/31/2020	WORK	10	No Comment	2091
09/01/2020	09/30/2020	FLAT	30	No Comment	2061
09/01/2020	09/30/2020	STAT	20	No Comment	2041
09/01/2020	09/30/2020	WORK	10	No Comment	2031
10/01/2020	10/31/2020	FLAT	31	No Comment	2000
10/01/2020	10/31/2020	STAT	20	No Comment	1980
10/01/2020	10/31/2020	WORK	10	No Comment	1970
11/01/2020	11/30/2020	FLAT	30	No Comment	1940
11/01/2020	11/30/2020	STAT	20	No Comment	1920
11/01/2020	11/30/2020	WORK	10	No Comment	1910
12/01/2020	12/31/2020	FLAT	31	No Comment	1879
12/01/2020	12/31/2020	STAT	20	No Comment	1859
12/01/2020	12/31/2020	WORK	10	No Comment	1849
01/01/2021	01/31/2021	FLAT	31	No Comment	1818
01/01/2021	01/31/2021	STAT	20	No Comment	1798
01/01/2021	01/31/2021	WORK	10	No Comment	1788
02/01/2021	02/28/2021	FLAT	28	No Comment	1760
02/01/2021	02/28/2021	STAT	20	No Comment	1740
02/01/2021	02/28/2021	WORK	10	No Comment	1730
03/01/2021	03/31/2021	FLAT	31	No Comment	1699
03/01/2021	03/31/2021	STAT	20	No Comment	1679
03/01/2021	03/31/2021	WORK	10	No Comment	1669
04/01/2021	04/30/2021	FLAT	30	No Comment	1639
04/01/2021	04/30/2021	STAT	20	No Comment	1619
04/01/2021	04/30/2021	WORK	10	No Comment	1609
05/01/2021	05/31/2021	FLAT	31	No Comment	1578
05/01/2021	05/31/2021	STAT	20	No Comment	1558
05/01/2021	05/31/2021	WORK	10	No Comment	1548
06/01/2021	06/30/2021	FLAT	30	No Comment	1518

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Current Earned Expiration Date: 08/22/2026

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
C-14-299737-1	06/05/2018	105	02/20/2018	0y 120m	3652	02/19/2021	07/20/2023	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
06/01/2021	06/30/2021	STAT	20	No Comment	1498
06/01/2021	06/30/2021	WORK	10	No Comment	1488
07/01/2021	07/31/2021	FLAT	31	No Comment	1457
07/01/2021	07/31/2021	STAT	20	No Comment	1437
07/01/2021	07/31/2021	WORK	10	No Comment	1427
08/01/2021	08/31/2021	FLAT	31	No Comment	1396
08/01/2021	08/31/2021	STAT	20	No Comment	1376
08/01/2021	08/31/2021	WORK	10	No Comment	1366
09/01/2021	09/30/2021	FLAT	30	No Comment	1336
09/01/2021	09/30/2021	STAT	20	No Comment	1316
09/01/2021	09/30/2021	WORK	10	No Comment	1306
10/01/2021	10/31/2021	FLAT	31	No Comment	1275
10/01/2021	10/31/2021	STAT	20	No Comment	1255
10/01/2021	10/31/2021	WORK	10	No Comment	1245
11/01/2021	11/30/2021	FLAT	30	No Comment	1215
11/01/2021	11/30/2021	STAT	20	No Comment	1195
11/01/2021	11/30/2021	WORK	10	No Comment	1185
12/01/2021	12/31/2021	FLAT	31	No Comment	1154
12/01/2021	12/31/2021	STAT	20	No Comment	1134
12/01/2021	12/31/2021	WORK	10	No Comment	1124
01/01/2022	01/31/2022	FLAT	31	No Comment	1093
01/01/2022	01/31/2022	STAT	20	No Comment	1073
01/01/2022	01/31/2022	WORK	10	No Comment	1063
02/01/2022	02/28/2022	FLAT	28	No Comment	1035
02/01/2022	02/28/2022	STAT	20	No Comment	1015
02/01/2022	02/28/2022	WORK	10	No Comment	1005
03/01/2022	03/31/2022	FLAT	31	No Comment	974
03/01/2022	03/31/2022	STAT	20	No Comment	954
03/01/2022	03/31/2022	WORK	10	No Comment	944
04/01/2022	04/30/2022	FLAT	30	No Comment	914
04/01/2022	04/30/2022	STAT	20	No Comment	894
04/01/2022	04/30/2022	WORK	10	No Comment	884
05/01/2022	05/31/2022	FLAT	31	No Comment	853
05/01/2022	05/31/2022	STAT	20	No Comment	833
05/01/2022	05/31/2022	WORK	10	No Comment	823
06/01/2022	06/30/2022	FLAT	30	No Comment	793
06/01/2022	06/30/2022	STAT	20	No Comment	773
06/01/2022	06/30/2022	WORK	10	No Comment	763
07/01/2022	07/31/2022	FLAT	31	No Comment	732
07/01/2022	07/31/2022	STAT	20	No Comment	712
07/01/2022	07/31/2022	WORK	10	No Comment	702
08/01/2022	08/31/2022	FLAT	31	No Comment	671
08/01/2022	08/31/2022	STAT	20	No Comment	651

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

Offender: SOLANDER, DWIGHT - 0001200038

Sentence: 3

Count: 3

Current Earned Expiration Date: 08/22/2026

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
C-14-299737-1	06/05/2018	105	02/20/2018	0y 120m	3652	02/19/2021	07/20/2023	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
08/01/2022	08/31/2022	WORK	10	No Comment	641
09/01/2022	09/30/2022	FLAT	30	No Comment	611
09/01/2022	09/30/2022	STAT	20	No Comment	591
09/01/2022	09/30/2022	WORK	10	No Comment	581
10/01/2022	10/31/2022	FLAT	31	No Comment	550
10/01/2022	10/31/2022	STAT	20	No Comment	530
10/01/2022	10/31/2022	WORK	10	No Comment	520
11/01/2022	11/30/2022	FLAT	30	No Comment	490
11/01/2022	11/30/2022	STAT	20	No Comment	470
11/01/2022	11/30/2022	WORK	10	No Comment	460
12/01/2022	12/31/2022	FLAT	31	No Comment	429
12/01/2022	12/31/2022	STAT	20	No Comment	409
12/01/2022	12/31/2022	WORK	10	No Comment	399
01/01/2023	01/31/2023	FLAT	31	No Comment	368
01/01/2023	01/31/2023	STAT	20	No Comment	348
01/01/2023	01/31/2023	WORK	10	No Comment	338
02/01/2023	02/28/2023	FLAT	28	No Comment	310
02/01/2023	02/28/2023	STAT	20	No Comment	290
02/01/2023	02/28/2023	WORK	10	No Comment	280
03/01/2023	03/31/2023	FLAT	31	No Comment	249
03/01/2023	03/31/2023	STAT	20	No Comment	229
03/01/2023	03/31/2023	WORK	10	No Comment	219
04/01/2023	04/30/2023	FLAT	30	No Comment	189
04/01/2023	04/30/2023	STAT	20	No Comment	169
04/01/2023	04/30/2023	WORK	10	No Comment	159
05/01/2023	05/31/2023	FLAT	31	No Comment	128
05/01/2023	05/31/2023	STAT	20	No Comment	108
05/01/2023	05/31/2023	WORK	10	No Comment	98
06/01/2023	06/30/2023	FLAT	30	No Comment	68
06/01/2023	06/30/2023	STAT	20	No Comment	48
06/01/2023	06/30/2023	WORK	10	No Comment	38
07/01/2023	07/20/2023	FLAT	20	No Comment	18
07/01/2023	07/20/2023	STAT	12	No Comment	6
07/01/2023	07/20/2023	WORK	6	No Comment	0

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

DWIGHT SOLANDER 1200038
Box 650 HDSP
INDIAN SPRINGS, NV 89070
IN PRO PER

FILED

JUL 27 2020

John L. Blum
CLERK OF COURT

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

DWIGHT SOLANDER PETITIONER V JEREMY BEANS, WARDEN RESPONDANT	CASE: A-20-815835-W DEPT: 21 MOTION TO EXTEND LEAVE TO FILE LEGAL BRIEF IN SUPPORT OF PETITION
--	---

COMES NOW PETITIONER, DWIGHT SOLANDER, IN PRO PER, AND
MOVES THIS COURT TO EXTEND LEAVE TO FILE LEGAL BRIEF.

PETITIONER HAS BEEN UNABLE TO COMPLETE NEEDED COPY WORK
DUE TO DELAYS AT LAW LIBRARY AT HDSP. THIS IS PREVENTING
PETITIONER FROM FILING HIS LEGAL BRIEF. PETITIONER IS REQUESTING
UNTIL 7-31-20 TO HAVE BRIEF FILED. PETITIONER IS OF THE
KNOWLEDGE AND BELIEF ALL COPY WORK WILL BE COMPLETED AND
BRIEF CAN BE FILED BY THAT TIME.

SIGNED AND DATED THIS 14TH DAY OF JULY, 2020

RECEIVED
JUL 20 2020
CLERK OF THE COURT


Dwight Solander
DWIGHT SOLANDER
IN PRO PER

CERTIFICATE OF MAILING

I, DWIGHT SOLANDER, HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE MOTION TO EXTEND LEAVE WAS
MAILED ON 7-14-20 TO:

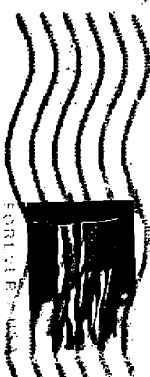
ATTORNEY GENERAL OF NEVADA
100 N CARSON ST
CARSON CITY, NV 89701

JEREMY BEANS, WARDEN
Box 650
INDIAN SPRINGS, NV 89070


DWIGHT SOLANDER
IN PRO PER

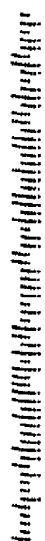
SOLANDEK 1200038
BOX 650
89070

LAS VEGAS NV 890
17 JUL 2020 PM 4 L



Clerk of District Court
200 LEWIS AVE 3RD Floor
LAS VEGAS, NV 89155

89101-630000



01 JUN 1

JUL 16 2020

HIGH DESERT STATE PRISON

DWIGHT SOLANDER 1200038
Box 650 HOSP
INDIAN SPRINGS, NV 89070
IN PRO PER

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

DWIGHT SOLANDER
PETITIONER

V

JEREMY BEANS, WARDEN
RESPONDANT

CASE: A-20-815535-W
DEPT L 21

ORDER EXTENDING LEAVE TO
FILE LEGAL BRIEF IN SUPPORT OF MOTION

IT IS THE ORDER OF THIS COURT, CAUSE BEING SHOWN,
THAT PETITIONERS LEAVE TO FILE LEGAL BRIEF BE EXTENDED
UNTIL 7-31-20.

SO ORDERED,

DATED AND SIGNED THIS _____ DAY OF _____, 2020

X _____
DISTRICT COURT JUDGE

DWIGHT SOLANDER 1200038
Box 650 HDSP
INDIAN SPRINGS, NV 89070
IN PRO PER

Electronically Filed
07/27/2020 12:22 PM
Heather A. Stinson
CLERK OF THE COURT

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

DWIGHT SOLANDER
PETITIONER

V

JEREMY BEANS, WARDEN
RESPONDANT

CASE: A-20-815535-LW

DEPT 121

ORDER EXTENDING LEAVE TO
FILE LEGAL BRIEF IN SUPPORT OF MOTION

IT IS THE ORDER OF THIS COURT, CAUSE BEING SHOWN,
THAT PETITIONERS LEAVE TO FILE LEGAL BRIEF BE EXTENDED
UNTIL 7-31-20.

SO ORDERED,

DATED AND SIGNED THIS _____ DAY OF _____, 2020

Valerie Adair

DISTRICT COURT JUDGE
72A D7A F287 E6DA
Valerie Adair
District Court Judge

TW

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Dwight Solander, Plaintiff(s) CASE NO: A-20-815535-W
7 vs. DEPT. NO. Department 21
8 Jeremy Bean, Warden HDSP,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 7/27/2020

15 Marsha Landreth	mlandreth@ag.nv.gov
16 Rikki Garate	rgarate@ag.nv.gov
17 Katrina Samuels	KSamuels@ag.nv.gov
18 Cheryl Martinez	cmartinez@ag.nv.gov
19 Katherine Reed	kreed@ag.nv.gov

20
21
22 If indicated below, a copy of the above mentioned filings were also served by mail
via United States Postal Service, postage prepaid, to the parties listed below at their last
23 known addresses on 7/28/2020

24 Dwight Solander	HDSP P.O. Box 650 Indian Springs, NV, 89070
25	
26 Katrina Samuels	1002 Pearl Peak ST Las Vegas, NV, 89110
27	
28	

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DWIGHT SOLANDER 1200038
BOX 650 HDSP
INDIAN SPRINGS, NV 89070
IN PRO PER

FILED 28

AUG 14 2020

IN THE 8TH JUDICIAL DISTRICT COURT
FOR THE STATE OF NEVADA, CLARK COUNTY

CLERK OF COURT

DWIGHT SOLANDER

CASE: A-20-815535-W

PETITIONER

DEPT: 21

V

JEREMY BEANS, WARDEN HDSP

LEGAL BRIEF IN SUPPORT OF

RESPONDANT

PETITION FOR WRIT OF HABEAS

CORPUS PER NRS 39.360

THIS IS A LEGAL BRIEF SUPPORTING PETITIONER'S
PETITION FOR WRIT OF HABEAS CORPUS PER NRS 39.360.
LEGAL BRIEF PREPARED BY PETITIONER, DWIGHT SOLANDER,
IN PRO PER.

THIS BRIEF IS BASED ON PLEADINGS AND PAPERS ON FILE
WITH THE CLERK OF COURT, THE ATTACHED LIST OF POINTS
AND AUTHORITIES, AND LEGAL ARGUMENTS CONTAINED HEREIN.

SUBMITTED AND DATED THIS 29 DAY OF JULY, 2020

DWIGHT SOLANDER

IN PRO PER

RECEIVED

AUG 07 2020

CLERK OF THE COURT

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1	LISTING OF ABBREVIATIONS	
2		
3	NDOC	NEVADA DEPARTMENT OF CORRECTIONS
4	NRS	NEVADA REVISED STATUTES
5	SBH	SUBSTANTIAL BODILY HARM
6	HDSP	HIGH DESERT STATE PRISON
7	SOC	JUDGMENT OF CONVICTION
8	NEV	NEVADA
9	PARA	PARAGRAPH
10	9TH CIRCUIT	9TH CIRCUIT COURT OF APPEALS
11	PSI	PRE-SENTENCE INVESTIGATION
12	NAC	NEVADA ADMINISTRATIVE CODE
13	GPA	GUILTY PLEA AGREEMENT
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TABLE OF POINTS AND AUTHORITIES

STATUTES:

NRS 202.876

NRS 200.508

NRS 200.870

NRS 179.245(8)(7)

NRS 179D.117

NRS. 213.140(17)

NRS 213.10885(A)

NAC 213.512

NAC 213.514

NAC 213.516

NAC 213.518

NRS 0.060

NRS 432B.070

NRS 432B.140

NRS 432B.150

AB236 SECTION 17 (1)(E)

AB236 SECTION 19 (3)(B)

AB236 SECTION 34 (1)(E)

CASE LAW:

ROBERT E V JUSTICE COURT, 99 NEV 443, (1983)

CATANIO, 120 NEV 1033

HANEY V STATE, 124 NEV 408 (2008)

CITY COUNCIL OF RENO V RENO NEWSPAPERS, INC, 105 NEV 886 (1989)

CIRAC V LANDER COUNTY, 95 NEV 723 (1979)

1	GEORGE J V STATE, 128 NEV 345 (2012)	
2	HOBBS V STATE, 127 NEV 234 (2011)	
3	RE: CHRISTENSEN, 122 NEV 1309 (2006)	
4	CLAY V STATE, 129 NEV 445 (2013)	
5	RAMIREZ V STATE, 235 NEV 235 P.30 619 (2010)	
6	LABASTIDA V STATE, 115 NEV 298 (1999)	
7	US V CONTRERAS-SALAS, 387 F.3D 1095 (2004)	
8	TRINIDAD-AQUINO, 259 F.3D 1140 (2001)	
9	CORONA-SANCHEZ, 291 F.3D 1201 (2002)	
10	US V CASAREZ-BRANO, 181 F.3D 1074 (1999)	
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FACTS OF THE CASE

NDOC IS CURRENTLY HOLDING PETITIONER, DWIGHT SOLANDER, CONTRARY TO NEVADA LAW, NAMELY NRS 202.876, WHICH IS THE STATUTE DEFINING WHAT IS CONSIDERED A VIOLENT CRIME IN THE STATE OF NEVADA. ALSO WELL ESTABLISHED CASE LAW.

DESPITE MANY ATTEMPTS BY PETITIONER TO HAVE HIS OFFENSE DETERMINATION LEGALLY AND RIGHTFULLY CHANGED FROM VIOLENT TO NON-VIOLENT IN ACCORDANCE WITH NEVADA LAW, NDOC HAS REPEATEDLY AND ILLEGALLY REFUSED TO DO SO.

PETITIONER, DWIGHT SOLANDER, PLEAD GUILTY ON 1-28-18 UNDER A PLEA AGREEMENT TO 3 COUNTS OF NRS 200.508, CHILD ABUSE, NEGLECT OR ENDANGERMENT RESULTING IN SBH, AND SUBSEQUENTLY SENTENCED TO 3 CONCURRENT TERMS OF 3-10 YEARS NDOC. PETITIONER HAS BEEN AND CURRENTLY IS INCARCERATED AT HDSP. A JOC WAS FILED 6-17-18 AFTER SENTENCING ON 6-5-18.

INTRODUCTION

THE SUBJECT OF THIS BRIEF IS TO PUT FORTH THE LEGAL ARGUMENTS AND REASONS THIS PETITION SHOULD BE GRANTED AND NDOC ORDERED TO PROPERLY MAKE THE DETERMINATION PETITIONER'S OFFENSE IS NOT A VIOLENT OFFENSE BY NEVADA LAW AND CASE LAW FROM THE NEVADA SUPREME COURT.

THIS BRIEF WILL CONCLUSIVELY PROVE NDOC IS ERRANT IN ITS DETERMINATION THAT NRS 200.508 IS A VIOLENT CRIME. IT WILL SHOW THAT NRS 202.876, "VIOLENT AND SEXUAL CRIMES DEFINED" BY APPLYING THE NEVADA SUPREME COURT'S PROCESS, PROCEDURES, AND FINDINGS ON STATUTORY INTERPRETATION. IT WILL ALSO SHOW HOW A COMPLETE STATUTORY INTERPRETATION, DIRECT ON POINT, DONE BY THE COURT ON NRS 200.508 CONCLUSIVELY FOUND THAT THE STATUTE IS NOT VIOLENT. THE 9TH CIRCUIT APPEALS COURT HAS ALSO ANALYZED THIS STATUTE WITH THE SAME FINDINGS OF IT NOT BEING A VIOLENT OFFENSE.

THE COURTS IN SEVERAL CASES IN LOOKING AT THE LANGUAGE USED IN THE INFORMATION, GPA, AND IOC, THAT NRS 200.508 CANNOT BE CONSIDERED A VIOLENT OFFENSE.

AT THE CONCLUSION OF ALL LEGAL ARGUMENTS, THE ONLY PROPER CONCLUSION THAT ^{CAN} BE DRAWN IS THAT NRS 200.508 IS INDEED NOT A VIOLENT OFFENSE, PARTICULARLY IN THE CASE OF PETITIONER.

LEGAL STANDARD - STATUTORY CONSTRUCTION

THE FOUNDATION OF OUR ENTIRE LEGAL AND ITS PROCEDURES

HINGES ON A SET OF LAWS AND STATUTES AND THE COURTS

INTERPRETATION OF THOSE STATUTES BASED ON THE PREMISE OF

WHAT THE LEGISLATURE'S INTENT BEHIND THE STATUTE IS. WE MUST

FIRST LOOK TO THE STATUTES TO DETERMINE IT'S MEANING AND INTENT.

THE COURTS HAVE LONG ESTABLISHED PROCEDURES TO ACCOMPLISH

THIS TASK. THE GOAL IS APPLICATION OF THE LAW IN STRICT ACCORDANCE

WITH WHAT THE LEGISLATURE INTENDED IN DRAFTING THE LAW. THIS ULTIMATELY

REFLECTS THE DESIRE OF SOCIETY TO MAINTAIN ORDER AND PEACEFUL

CO-EXISTENCE WITH OUR FELLOW CITIZENS. IT ALSO PROVIDES FOR

PUNISHMENT FOR THOSE WHO CHOOSE TO DISREGARD THE LAWS. THE

ENTIRE SYSTEM IS BASED ON STATUTORY CONSTRUCTION AND INTERPRETATION

BY THE COURTS.

THE QUESTION IS HOW DO WE INTERPRET THESE LAWS WITH COMPLETE

CERTAINTY AS TO WHAT THE LEGISLATURE, AND ULTIMATELY THE PEOPLE,

MEAN IN THE WORDING, PUNCTUATION, GRAMMAR, AND DEFINITIONS OF WORDS

USED IN THE STATUTES.

THE NEVADA SUPREME COURT RULED IN MULTIPLE CASES AND CONSEQUENTLY

CREATED LONG-ESTABLISHED CASE LAW ON THIS PROCESS. WHILE THERE ARE

HUNDREDS OF CASE REFERENCES TO THIS PROCESS, WE WILL LOOK TO SEVERAL

PREVELANT AND ON-POINT EXAMPLES FROM THE COURT'S CASE FILES.

IN [ROBERT E. V JUSTICE COURT, 99 NEV. 443, 445] (1983), THE COURT

STATED "WHEN INTERPRETING A STATUTE, LEGISLATIVE INTENT IS THE

CONTROLLING FACTOR". THEN "THE STARTING POINT FOR DETERMINING

LEGISLATIVE INTENT IS THE STATUTE'S PLAIN MEANING, WHEN A STATUTE

1 IS CLEAR ON ITS FACE, A COURT CANNOT GO BEYOND THE STATUTE

2 IN DETERMINING THE LEGISLATIVE INTENT."

3 IN *CASTANIO*, 120 NEV 91033, THE COURT STATES "WE MUST ATTRIBUTE

4 THE PLAIN MEANING TO A STATUTE THAT IS NOT AMBIGUOUS." THEY GO

5 ON TO FURTHER STATE, "BUT WHEN THE STATUTORY LANGUAGE LEADS

6 ITSELF TO TWO OR MORE REASONABLE INTERPRETATIONS, THE STATUTE IS

7 AMBIGUOUS, AND WE MAY THEN LOOK BEYOND THE STATUTE IN DETERMINING

8 LEGISLATIVE INTENT." THIS IS NOT THE CASE IN THE STATUTES IN

9 QUESTION IN THIS BRIEF AND THE PETITION, AS THE PLAIN MEANING IS VERY

10 PLAIN AND UNAMBIGUOUS.

11 IN *LANEY V STATE*, 124 NEV 408, 411-12 (2008), THE COURT SAYS "WHEN

12 INTERPRETING A STATUTE, THIS COURT WILL GIVE THE STATUTE ITS PLAIN

13 MEANING AND WILL EXAMINE THE STATUTE AS A WHOLE WITHOUT RENDERING

14 ~~THE~~ A PROVISION NULL AND VOID."

15 IN *CITY COUNCIL OF RENO V RENO NEWSPAPERS, INC*, 105 NEV 886, 891 (1989)

16 IT WAS STATED "WHEN THE LANGUAGE OF A STATUTE IS PLAIN AND

17 UNAMBIGUOUS, A COURT SHOULD GIVE THAT LANGUAGE ITS ORDINARY MEANING

18 AND NOT GO BEYOND IT," AS CITED FROM *CIRAC V LANDER COUNTY*, 95 NEV

19 723, 729 (1979), SHOWING THIS IS A LONG ESTABLISHED PREMISE.

20 IN *GEORGE V STATE*, 128 NEV 345 (2012), THE COURT MADE THIS FINDING CITING

21 *HOBBBS V STATE*, 127 NEV 231, 236 (2011), "THIS COURT AVOIDS STATUTORY

22 INTERPRETATION THAT RENDERS LANGUAGE MEANINGLESS OR SUPERFLUOUS" AND

23 "IF THE STATUTE'S LANGUAGE IS CLEAR AND UNAMBIGUOUS, [THIS COURT WILL]

24 ENFORCE THE STATUTE AS WRITTEN."

25 IN *RE: CHRISTENSEN*, 122 NEV 1309, 1319 (2006) THE COURT ISSUED

26 A VERY PERTINENT FINDING. "WHERE A FORMER STATUTE IS AMENDED,

27 OR A DOUBTFUL INTERPRETATION OF A FORMER STATUTE RENDERED

28 CERTAIN BY SUBSEQUENT LEGISLATION, IT HAS BEEN HELD THAT SUCH

1 AMENDMENT IS PERSUASIVE EVIDENCE OF WHAT THE LEGISLATURE
2 INTENDED BY THE FIRST STATUTE.¹¹ AT 1323 IT IS STATED "ONE BASIC
3 TENANT OF STATUTORY CONSTRUCTION DICTATES THAT, IF THE LEGISLATURE
4 INCLUDES A QUALIFICATION IN ONE STATUTE BUT OMITTS THE QUALIFICATION
5 IN ANOTHER SIMILAR STATUTE, IT SHOULD BE INFERRED THE OMISSION
6 WAS INTENTIONAL."¹²
7 AS IS SHOWN FROM THE FOREGOING CITATIONS, THE NEVADA SUPREME COURT
8 HAS A LONG HISTORY OF RULINGS AND FINDINGS ON THE PROCESS OF STATUTORY
9 INTERPRETATION. THESE FINDINGS WILL BE APPLIED TO THE TWO NEVADA STATUTES
10 WHICH ARE THE SUBJECT OF THIS BRIEF AND CORRESPONDING PETITION, WHICH
11 ARE NRS 202.876 AND NRS 200.508.
12 THE ESTABLISHED LEGAL STANDARD IS THAT PLAIN LANGUAGE AND MEANING
13 ARE THE DETERMINING FACTORS IN DETERMINING THE LEGISLATIVE INTENT OF A
14 STATUTE. IF THE STATUTE IS UNAMBIGUOUS IN ITS PLAIN MEANING, THE COURT
15 MUST ENFORCE AS WRITTEN AND LOOK NO FURTHER IN INTERPRETING THE
16 INTENT OF THE LEGISLATURE WHEN THE STATUTE WAS DRAFTED AND ENACTED.

LEGAL ARGUMENT I - NRS 202.876

AT THE HEART OF THE PETITION AND THIS LEGAL BRIEF IS NRS 202.876. THIS STATUTE DEFINES VIOLENT OR SEXUAL CRIMES IN THE STATE OF NEVADA. MORE SPECIFICALLY: "202.876" "VIOLENT OR SEXUAL OFFENSE" DEFINED. THIS IS THE HEADER. THE NEXT LINE STATES: "VIOLENT OR SEXUAL OFFENSE" MEANS ANY ACT THAT, IF PROSECUTED IN THIS STATE, WOULD CONSTITUTE ANY OF THE FOLLOWING OFFENSES:

JUST PRIOR TO THIS IS FOUND "202.870 DEFINITIONS." THE PARAGRAPH STATES "AS USED IN NRS 202.870 TO 202.899, INCLUSIVE, UNLESS THE CONTEXT OTHERWISE REQUIRES, THE WORDS AND TERMS DEFINED IN NRS 202.873 AND 202.876 HAVE THE MEANINGS ASCRIBED TO THEM IN THOSE SECTIONS."

APPLYING THE LEGAL STANDARD OF STATUTORY INTERPRETATION AND CONSTRUCTION, WE CAN LOOK TO SEE IF ANY AMBIGUOUS OR UNCLEAR LANGUAGE IS PRESENT IN THE HEADERS OR DESCRIPTORS. THERE IS CERTAINLY AMBIGUOUS OR UNCLEAR IN "VIOLENT OR SEXUAL OFFENSES DEFINED." NOR IS THERE ANYTHING AMBIGUOUS OR UNCLEAR IN "VIOLENT OR SEXUAL OFFENSE MEANS ANY ACT THAT, IF PROSECUTED IN THIS STATE, WOULD CONSTITUTE ANY OF THE FOLLOWING OFFENSES:" WITH THIS STATEMENT ENDING WITH "... "ANY OF THE FOLLOWING OFFENSES" FOLLOWED BY A COLON, IT GRAMMATICALLY SIGNIFIES THAT A LIST OF THOSE OFFENSES DEFINED AS VIOLENT OR SEXUAL IS TO FOLLOW. AND A LIST OF OFFENSES DOES FOLLOW, CONSISTING OF 18 NUMBERED LINES LISTING OFFENSES IN NUMERICAL ORDER.

LINE 1 LISTS NRS 200.010 FIRST, AND FOLLOWED BY LINES 2-11, IN NUMERICAL ORDER LISTS NRS 200.485 LAST. LINE 12 LISTS NRS 200.710 FIRST, AND IN NUMERICAL CONTINUES LISTING OFFENSES TO LINE 17, WHICH LISTS NRS 207.190 LAST. LINE 18 STATES AN ATTEMPT, CONSPIRACY

1 OR SOLICITATION OF ANY ACT LISTED IN THIS SECTION.

2 THERE VERY DEFINATELY ^{IS} NOTHING AMBIGUOUS OR UNCLEAR ABOUT

3 THIS LIST OF OFFENSES DEFINED AS VIOLENT OR SEXUAL. OF VERY

4 SPECIFIC IMPORTANCE IS THE NUMERICAL LISTING ORDER GAP BETWEEN

5 LINE 11, ENDING WITH NRS 200.485 AND LINE 12, BEGINNING WITH NRS 200.710.

6 LOOKING FURTHER AT STATUTORY CONSTRUCTION WE FIND THE COURT HAS

7 HELD THAT "WHERE A FORMER STATUTE IS AMENDED, OR A DOUBTFUL

8 INTERPRETATION OF A FORMER STATUTE RENDERED CERTAIN BY SUBSEQUENT

9 LEGISLATION, IT HAS BEEN HELD THAT SUCH AMENDMENT IS PERSUASIVE

10 EVIDENCE OF WHAT THE LEGISLATURE INTENDED BY THE 1ST STATUTE.

11 THE HISTORY OF NRS 202.876 SHOWS THAT SINCE ENACTMENT IN 1999

12 IT HAS BEEN AMENDED FOUR TIMES, ONCE IN 2009, TWICE IN 2013, ONCE IN

13 2019. THESE INVOLVED MINOR GRAMMATICAL CHANGES WITH 2009 REMOVING A

14 STATUTE FROM LINE 11, 2013 ADDED TWO STATUTES IN LINE 17, 2019 CLARIFIED

15 A REPORTING EXCLUSION FROM ANOTHER STATUTE. FOUR TIMES AMENDED

16 WITH VIRTUALLY NO CHANGES, AND CERTAINLY NOTHING INVOLVING THE

17 NUMERICAL GAP BETWEEN LINE 11 AND LINE 12, WHICH CLEARLY SHOWS

18 THE STATUTE WAS ORIGINALLY WRITTEN AS INTENDED.

19 THE FOREGOING UNEQUIVOCALLY ESTABLISHES THAT NRS 202.876 IS NOT

20 AN AMBIGUOUS STATUTE, USES VERY PLAIN, CLEAR, AND UNAMBIGUOUS

21 LANGUAGE, WAS WRITTEN AS INTENDED BY THE LEGISLATURE AT ENACTMENT,

22 SPECIFICALLY INCLUDING THE NUMERICAL GAP IN STATUTE NUMBERS BETWEEN

23 LINES 11 AND 12. AS SUCH THE COURTS HAVE HELD THE UNDER THE STANDARDS

24 OF STATUTORY CONSTRUCTION AND INTERPRETATION IN ACCORDANCE WITH THE

25 CONCLUSIONS FROM ABOVE, THIS STATUTE IS TO BE ENFORCED ON ITS PLAIN

26 LANGUAGE AND NOT GO BEYOND IT."

27

28

1 LEGAL ARGUMENT II - NRS 200.508

2
3 THE SUBJECT OF THIS PETITION AND ITS LEGAL BRIEF IS THAT
4 NRS 200.508 IS NOT A VIOLENT CRIME AND THAT NDOC IS/ILLEGALLY
5 AND CONTRARY TO NEVADA LAW DETERMINING THAT IT IS AND HAS
6 DETERMINED THAT PETITIONER IS A VIOLENT OFFENDER CONTRARY
7 TO THOSE LAWS.

8 THIS IS CONCLUSIVELY SHOWN WHEN WE LOOK FOR NRS 200.508
9 IN THE STATUTE, NRS 202.876, WHICH DEFINES VIOLENT OR SEXUAL CRIMES.
10 LEGAL ARGUMENT I REGARDING NRS 202.876, CONCLUDED THAT IN THE
11 NUMERICAL LIST OF VIOLENT OR SEXUAL CRIMES, LINES 1-17, THERE
12 WAS A GAP BETWEEN LINE 11, WHICH ENDS WITH NRS 200.485, AND LINE 12,
13 WHICH BEGINS WITH NRS 200.710. IF NRS 200.508 WAS INTENDED BY THE
14 LEGISLATURE TO BE INCLUDED IN THE LIST OF VIOLENT OR SEXUAL CRIMES,
15 IT WOULD BE FOUND EITHER AT THE END OF LINE 11, AFTER NRS 200.485
16 OR BEFORE NRS 200.710 AT THE BEGINNING OF LINE 12. CLEARLY IT
17 IS NOT, THEREFORE THE LEGISLATURE DID NOT INTEND FOR IT TO BE
18 INCLUDED IN THIS STATUTE (SEE LEGAL ARGUMENT I, Pg. 11, LINES 25-28).

19 NRS 200.508 IS NOT A VIOLENT CRIME UNDER NEVADA LAW AS WILL
20 BE SHOWN THAT THE NEVADA SUPREME COURT HAS ANALYZED THE STATUTE
21 AND RULED IT IS NOT VIOLENT ON ITS FACE, ESPECIALLY IN PETITIONER'S
22 CASE, HENCE IT'S ABSENCE FROM NRS 202.876 WHICH DEFINES VIOLENT OR
23 SEXUAL CRIMES.

24 NRS 200.508 IS A VERY OVERBROAD AND COMPREHENSIVE STATUTE
25 COVERING THE OFFENSE OF CHILD ABUSE. IT HAS BEEN THOROUGHLY
26 ANALYZED BY THE NEVADA SUPREME COURT ON ISSUES DIRECTLY ON POINT
27 WITH THE PETITION AND THIS LEGAL BRIEF. THE 9TH CIRCUIT HAS ALSO
28 ANALYZED THIS STATUTE AND HEARD THE SAME AS THE NEVADA SUPREME
(12)

1 COURT. BOTH COURTS RULED THAT THE STATUTE IS OVERBROAD IN ITS
2 SCOPE, CAN BE VIOLATED BOTH PASSIVELY AND ACTIVELY, AND THAT THE
3 LANGUAGE AND DEFINITIONS OF TERMS USED ARE UNIQUE TO THIS STATUTE
4 AND DO NOT HOLD THE COMMON MEANINGS USED IN OTHER STATUTES.

5 WHILE OTHER ISSUES PRESENT IN PETITIONER'S CASE MAY SURFACE,
6 THEY ARE THE SUBJECT OF OTHER PROCEEDINGS AND THIS BRIEF AND
7 PETITION ARE ONLY CONCERNED WITH THE FACT OF URS 200.508 NOT A
8 VIOLENT OFFENSE.

9 IN *ECLAY V STATE*, 129 NEV 445 (2013), THE COURT WAS TASKED WITH
10 DETERMINING WHETHER ONE COUNT OF AN INDICTMENT COULD STAND BASED
11 ON NO EVIDENCE OR PROOF OF "PHYSICAL INJURY". THIS QUESTION LEAD TO A
12 COMPLETE ANALYSIS OF THE STATUTE IN ITS ENTIRETY. THE END RESULT
13 WAS AN ORDER FOR A WRIT OF HABEAS CORPUS TO DISMISS THE CHARGE. WHILE
14 DISMISSAL IS NOT THE SCOPE OF THIS BRIEF AND THE PETITION, THE ANALYSIS
15 AND CONCLUSIONS OF THE COURT IN ITS STATUTORY INTERPRETATION ARE
16 DIRECTLY ON POINT WITH THE ISSUES OF THIS BRIEF AND THE PETITION.

17 IN *RAMIREZ V STATE*, 23 SP.3D 619 (2000), THE COURT ANALYSIS AGAIN
18 FOUND THAT THE LANGUAGE IN THE STATUTE ALLOWS BOTH WILLFUL OR PASSIVE
19 (AS IN PERMIT, ALLOW, NEGLECT) WAYS TO VIOLATE THE STATUTE. WHEN NO PHYSICAL
20 ACTS ARE ALLEGED, PROVEN, OR SHOWN, IT OBVIOUSLY IS NOT A VIOLENT OFFENSE.
21 THE COURT ALSO MADE A VERY CLEAR DISTINCTION IN THE WORDING OF OTHER CASE
22 DOCUMENTS AS TO MIXING THE WORDING OF SECTION 1 AND SECTION 2 OF THE
23 STATUTE, AS THEY ARE VERY SEPARATE MEANS THE STATUTE CAN BE VIOLATED.

24 IN *ELABASTIDA V STATE*, 115 NEV 298 (1999), THE ANALYSIS CAME TO THE IDENTICAL
25 CONCLUSIONS AS IN *RAMIREZ*, AS TO THE DUALITY OF NEGLIGENCE (PASSIVE) OR
26 WILLFUL HARM AS A MEANS TO VIOLATE THE STATUTE.

27 IN *LUIS V CONTRERAS-SALAS*, 387 F.3D 1095 (2009) THE 9TH CIRCUIT ANALYZED
28 THE STATUTE IN-DEPTH AND DIRECTLY ON POINT AS TO WHETHER IT WAS

1 A VIOLENT CRIME. THEY DETERMINED THAT CATEGORICALLY IT WAS NOT, JUST AS
2 THE NEVADA SUPREME COURT HELD IN [CLAY], [RAMIREZ], AND [LABASTIA]. THE HOLDING
3 FROM BOTH COURTS WAS THAT THE STATUTE IS OVERBROAD AND CAN BE VIOLATED
4 BY SEVERAL MEANS.

5 NRS 200.508 HAS TWO SECTIONS WHICH PROVIDE THE MEANS FOR COMMITTING
6 AN OFFENSE OF NRS 200.508. IN SECTION 1 IT PROVIDED FOR 2 DISTINCT WAYS
7 TO VIOLATE THE STATUTE. FIRST IS BY WILLFULLY DIRECTLY COMMITTING THE ACT,
8 SECOND IS BY WILLFULLY CAUSING TO BE PLACED IN A SITUATION. BOTH USE THE PHRASE
9 "AS THE RESULT OF ABUSE OR NEGLECT". A RESULT IS SOMETHING THAT COMES ABOUT, IN
10 THIS CASE FROM ABUSE OR NEGLECT. THIS MEANS THAT THE PREDICATE ACTION THAT
11 HAS TO HAPPEN BEFORE A VIOLATION OF THE STATUTE CAN BE PROSECUTED IS THAT
12 ABUSE OR NEGLECT HAS TO HAPPEN. SECTION 4 OF THE STATUTE IN PAR(A) GIVES
13 THE DEFINITION OF ABUSE OR NEGLECT. AS APPLIED TO THIS STATUTE IT MEANS A
14 1) PHYSICAL INJURY, 2) MENTAL INJURY, 3) SEX ABUSE, 4) SEX EXPLOITATION, 5) NEGLIGENT
15 TREATMENT OR MALTREATMENT. AND THESE HAVE TO HAPPEN IN CIRCUMSTANCES THAT
16 INDICATE THE CHILD'S HEALTH OR WELFARE IS HARMED. THIS GIVES 10 WAYS TO VIOLATE
17 SECTION 1 - WILLFULLY INFLECTING ANY OF THE 5 MEANS OF ABUSE OR NEGLECT
18 OR CAUSING TO BE PLACED IN A SITUATION WHERE ANY OF THE 5 MEANS OF ABUSE OR
19 NEGLECT MAY HAPPEN.

20 SECTION TWO PROVIDES FOR THE SAME 5 MEANS OF ABUSE OR NEGLECT WITH
21 THE DIFFERENCE IT IS PASSIVE. THE PERSON PERMITS OR ALLOWS THE ABUSE OR TO BE
22 PLACED IN A SITUATION WHERE ABUSE OR NEGLECT IS THE RESULT. THIS GIVES US 10
23 PASSIVE MEANS OF VIOLATING THE STATUTE. THE ACTION THAT MUST OCCUR FIRST IS
24 ABUSE OR NEGLECT AS THE OFFENSE OCCURS AS A RESULT OF ABUSE OR NEGLECT.
25 WHEN THE 5 MEANS OF ABUSE, WHICH IS CODIFIED IN NRS 432B, ARE MULTIPLIED BY
26 THE 4 WAYS TO VIOLATE IN SECTIONS 1 AND 2 OF THE STATUTE, IT IS QUITE A LARGE
27 NUMBER OF WAYS TO COMMIT AN OFFENSE OF NRS 200.508. ANY VIOLATION OF SECTION
28 TWO IS NON-VIOLENT BY ITS VERY NATURE OR BEING PASSIVE AND MANY OF THE

1 SECTION ONE VIOLATIONS ARE SEXUAL ONLY WITH NO VIOLENCE OR MENTAL HARM
 2 WHICH ALSO IS NON-VIOLENT. TO SAY NRS 200.508 IS A VIOLENT CRIME HAS NO LEGAL
 3 STANDING. THEN EVEN THE SUPREME COURT FEELS THE SAME WAY.
 4 IN [CLAY] 451 THE COURT SAID... NRS 200.508(1) THUS SETS FORTH
 5 ALTERNATIVE MEANS OF COMMITTING THE OFFENSE. AT 453, BASED ON NRS 200.508(A)
 6 AND THE STATUTES REFERENCED THEREIN, NRS 200.508(1) CRIMINALIZES FIVE DIFFERENT
 7 KINDS OF ABUSE OR NEGLECT. AT 453... IN SUBSECTION 2 OF THE SAME STATUTE,
 8 NRS 200.508(2) PUNISHES A PERSON WHO IS RESPONSIBLE FOR A CHILD'S WELFARE
 9 OR SAFETY AND ALLOWS OR PERMITS A CHILD TO BE PLACED IN A SITUATION...
 10 "WHEN THE LEGISLATURE BIFURCATED THE CHILD ABUSE AND NEGLECT STATUTE
 11 IN 1985 TO DISTINGUISH BETWEEN PERSONS WHO CAUSE "ABUSE ~~AND~~ OR NEGLECT"
 12 AND THOSE WHO PASSIVELY PERMIT "ABUSE OR NEGLECT." AT 454... ~~THE~~
 13 IN CONTRAST TO "ABUSE OR NEGLECT" BASED ON PHYSICAL INJURY, OTHER TYPES
 14 OF "ABUSE OR NEGLECT" UNDER NRS 200.508(4)(A) DO NOT NECESSARILY
 15 RESULT IN ACTUAL PHYSICAL PAIN OR MENTAL SUFFERING...
 16 IN [RAMIREZ] AT 623, "HERE, THE STATE CHARGED RAMIREZ WITH SECOND-DEGREE
 17 FELONY MURDER UNDER NRS 200.508 GENERALLY, WITHOUT DISTINGUISHING BETWEEN
 18 SUBSECTIONS 1 AND 2. FURTHER CONFUSING THE MATTER, THE STATE CHARGED THAT
 19 RAMIREZ DID "WILLFULLY AND UNLAWFULLY... PERMIT OR ALLOW [TRINITY] TO
 20 SUFFER UNSUSTAINABLE PHYSICAL PAIN AS A RESULT OF ABUSE OR NEGLECT,"
 21 INCLUDING THE "WILLFUL" LANGUAGE FROM NRS 200.508(1), AND THE PASSIVE
 22 "PERMIT" OR "ALLOW" LANGUAGE FROM NRS 200.508(2). BEFORE THIS AT 623,
 23 "WHEREAS NRS 200.508(1) ADDRESSES SCENARIOS WHERE THE PERSON CHARGED
 24 UNDER THE STATUTE DIRECTLY COMMITTED THE HARM, NRS 200.508(2), BY
 25 CONTRAST, ADDRESSES SITUATIONS WHERE A PERSON WHO IS RESPONSIBLE FOR
 26 THE SAFETY AND WELFARE OF A CHILD FAILS TO TAKE ACTION TO PROTECT
 27 THAT CHILD FROM THE ABUSE OR NEGLECT OF ANOTHER PERSON OR SOURCE. NRS
 28 200.508(2) DOES NOT REQUIRE THAT THE PERSON DIRECTLY INFLECT THE HARM
 (A)

1 TO BE FOUND GUILTY OF CHILD ABUSE OR NEGLECT".

2 THE [LABASTIDA] COURT UPHOLD THE SAME CONCLUSION. THIS WAS A CASE
3 WHERE A 2ND DEGREE MURDER CHARGE WAS OVERTURNED ON RE-HEARING.

4 THE COURT REVERSED THE MURDER CONVICTION, STATING THAT THERE WAS NO
5 DIRECT CAUSAL RELATIONSHIP TO THE MURDER OF THE CHILD AS LABASTIDA WAS
6 CONVICTED OF "CHILD NEGLECT" AND NOT "CHILD ABUSE". THEY STATED @302 "THE

7 SUGGESTION THAT ONE WHO IS RESPONSIBLE FOR A CHILD MAY PASSIVELY AID AND ABET

8 FIRST DEGREE MURDER" BY OBSERVING AND BEING MANIFESTLY AWARE¹¹ OF ACTS OF

9 CHILD ABUSE, AND "BY DOING NOTHING TO STOP THIS ABUSE" WHEN IT IS POSSIBLE TO

10 TAKE PREVENTIVE MEASURES IMPROPERLY MERGES CONCEPTS OF "ABUSE" AND "NEGLECT"¹²

11 AND IS INCONSISTENT WITH THE ELEMENTS OF FIRST DEGREE MURDER DEFINED

12 IN NRS 200.030(1)(A). AS THE ^{PRIOR} MAJORITY OPINION RECOGNIZES, THE TERMS "ABUSE"

13 AND "NEGLECT" HAVE DISTINCTIVE MEANINGS AND CANNOT BE APPLIED INTERCHANGEABLY.

14 THE USE OF THE TERM "CHILD ABUSE" AND NOT "CHILD NEGLECT" IN NRS 200.030(@303)

15 (1)(A) EVIDENCES THE LEGISLATURE'S INTENT THAT DIFFERENT MEANINGS APPLY TO THE

16 TWO TERMS AND THAT A MURDER PERPETRATED BY MEANS OF "CHILD ABUSE" AND NOT

17 "CHILD NEGLECT" CONSTITUTES FIRST DEGREE MURDER."

18 THE COURT ALSO FOUND THAT CHILD NEGLECT DOES NOT SATISFY THE "DIRECT

19 CAUSAL" ELEMENT FOR FELONY 2ND DEGREE MURDER. THAT ANALYSIS IS FAR OUTSIDE

20 THE SCOPE OF THIS BRIEF. THE HOLDING OF THE COURT THAT IS PERTINENT TO THE

21 CASE OF THIS BRIEF IS THAT THE LEGISLATURE IS CONSISTENT IN ITS INTENT

22 THAT "CHILD ABUSE" AND "CHILD NEGLECT" ARE NOT INTERCHANGEABLE.

23 THE 9TH CIRCUIT IN [CONTRERAS-SALAS] FACED THE QUESTION OF WHETHER A

24 CONVICTION UNDER NRS 200.508 COULD BE USED AS A VIOLENT ENHANCEMENT

25 IN SENTENCING. WHILE THIS CASE INVOLVES FEDERAL SENTENCING ENHANCEMENTS, THE

26 QUESTION OF NRS 200.508 BEING A VIOLENT CRIME AND THE FINDINGS OF THE

27 COURT BY THEIR ANALYSIS ARE DIRECTLY ON POINT. IT IS OF SPECIAL NOTE

28 THAT THE LANGUAGE USED IN COURT DOCUMENTS AND THAT THIS WAS CO-DEFENDANT

1 CASE, PROVIDE A PARALLEL TRACK WITH PETITIONER'S CASE. ALMOST
2 LITERALLY WORD FOR WORD. THE ANALYSIS FOLLOWS:
3 WE BEGIN C1096 "THE DISTRICT COURT CONCLUDED THAT CONTRERAS-SALAS' PRIOR
4 JURY CONVICTION IN 1987 (NOTE THIS CASE WAS DECIDED IN 2009) FOR CHILD ABUSE AND/OR
5 NEGLECT CAUSING SUBSTANTIAL BODILY HARM UNDER NRS 200.508 WAS A CRIME OF
6 VIOLENCE..." CONTRERAS-SALAS ARGUED NRS 200.508 IS OVERLY INCLUSIVE AND
7 PUNISHES SOME CONDUCT THAT IS NOT A "CRIME OF VIOLENCE" SHE ALSO ARGUED THAT
8 THE CHARGING DOCUMENT, PSI, AND TOC, WHICH THE DISTRICT COURT USED TO MAKE
9 THEIR DECISION, DID NOT SUFFICIENT TO ESTABLISH WHICH ASPECT OF THE STATUTE
10 HER CONVICTION WAS BASED ON." APPLYING THIS CIRCUIT'S 'MODIFIED CATEGORICAL
11 APPROACH', WE HOLD THAT CONTRERAS-SALAS' CONVICTION DOES NOT QUALIFY AS
12 A CRIME OF VIOLENCE AND THUS REVERSE THE DISTRICT COURT'S JUDGMENT AND
13 VACATE HER SENTENCE. C1097 "IN US V TRINIDAD-AQUINO, WE HELD THAT WHEN
14 A STATUTE 'CAN BE VIOLATED THROUGH NEGLIGENCE ALONE', IT DOES NOT CONSTITUTE A 'CRIME
15 OF VIOLENCE' FOR SENTENCING ENHANCEMENT PURPOSES." [259 F.3D 1140, 1146] (9TH CIR. 2001).
16 THEN "THE PURPOSE OF THIS 'MODIFIED CATEGORICAL APPROACH' IS TO DETERMINE
17 IF THE DEFENDANT WAS CONVICTED OF THE GENERALLY DEFINED CRIME, EVEN IF THE
18 STATUTE DEFINING THE CRIME IS OVERLY INCLUSIVE." [CONRAN-SACHEE, 291 F.3D 1211]
19 "WE CONCLUDE THAT THE NEVADA STATUTE DOES NOT CRIMINALIZE CONDUCT
20 QUALIFYING AS A CATEGORICAL CRIME OF VIOLENCE BECAUSE IT CRIMINALIZES NEGLIGENT
21 CONDUCT, WHICH DOES NOT INVOLVE THE REQUISITE USE OF FORCE. IN ADDITION, THE
22 GOVERNMENT CONCEDES THAT THE NEVADA STATUTE IS OVERLY INCLUSIVE." THE COURT
23 THEN GOES ON TO SAY THAT IF THERE ARE MULTIPLE WAYS TO VIOLATE AN OVERLY
24 BROAD STATUTE THEY DIVE A LITTLE DEEPER INTO THE ELEMENTS OF THE CRIME
25 THAT WAS COMMITTED. THE COURT THEN STATES WHAT MAY BE USED IN SUCH A SEARCH
26 "... SUCH AS THE INDICTMENT, ^(CONRAN-SACHEE) (2008) "THE JUDGMENT OR CONVICTION, JURY
27 INSTRUCTIONS, SIGNED GUILTY PLEA, OR THE TRANSCRIPTS FROM THE PREA PROCEEDINGS"
28 [US V CASAREZ-BRANO, 181 F.3D 1074, 1077] (9TH CIR. 1999). IN THIS CASE, HOWEVER THE JURY

1 INSTRUCTIONS ARE NOT IN THE RECORD - ONLY THE CHARGING DOCUMENT AND THE
 2 JUDGEMENT ARE IN THE RECORD." THE FOLLOWING IS ESPECIALLY NOTE WORTHY:
 3 "THE GOVERNMENT CONTENDS THAT THESE DOCUMENTS DEMONSTRATE THAT
 4 CONTRERAS-SALAS' CONVICTION ENCOMPASSED THE REQUISITE USE OF FORCE NECESSARY FOR
 5 A CRIME OF VIOLENCE BECAUSE THEY STATE THAT SHE CAUSED HER CHILD "SUBSTANTIAL
 6 BODILY HARM". THIS, HOWEVER IS INACCURATE BECAUSE BOTH THE CHARGING DOCUMENT
 7 (ENTITLED "INFORMATION") AND THE JOC DISCLOSE ONLY THAT CONTRERAS-SALAS
 8 COMMITTED 'CHILD ABUSE AND/OR NEGLECT CAUSING SUBSTANTIAL BODILY HARM' WITHOUT
 9 ESTABLISHING WHETHER HER PART IN CAUSING SUCH HARM WAS DUE TO HER
 10 VOLITIONAL, RECKLESS OR NEGLIGENT CONDUCT (OR FAILURE TO ACT). IN ADDITION,
 11 THE USE OF 'AND/OR' IN THE CHARGING DOCUMENT AND JUDGEMENT MAKES IT
 12 IMPOSSIBLE TO KNOW WHETHER CONTRERAS-SALAS WAS CONVICTED FOR CHILD ABUSE,
 13 NEGLECT OR BOTH." THEN CONTINUING ON -
 14 "THE GOVERNMENT ALSO RELIES ON THE PSI PREPARED FOR THE DISTRICT COURT.
 15 'A PRESENTENCE REPORT RECITING THE FACTS OF THE CRIME IS INSUFFICIENT
 16 EVIDENCE TO ESTABLISH ... THE ELEMENTS OF THE GENERIC DEFINITION OF A CRIME
 17 WHEN THE STATUTE OF CONVICTION IS BROADER THAN THE REPORT - WHICH MERELY
 18 PARAPHRASES THE FACTS OF THE CHILD ABUSE AS ALLEGED IN THE INFORMATION -
 19 CANNOT BE USED HERE". THE COURT THEN CONCLUDES AFTER RECITAL OF THE PSI -
 20 "THUS, IT REMAINS UNKNOWN WHETHER CONTRERAS-SALAS WAS CONVICTED UNDER
 21 THE STATUTE FOR CAUSING THE PHYSICAL TRAUMA" (C/099)." THROUGH THE USE OF
 22 FORCE OR THROUGH FAILING TO TAKE HER CHILD TO THE HOSPITAL AFTER THE CHILD
 23 SUSTAINED THESE ADMITTEDLY HORRIFIC PHYSICAL INJURIES, THE PSI DOES NOT
 24 ESTABLISH THAT THE JURY IN CONVICTING HER WAS REQUIRED TO FIND ALL THE
 25 ELEMENTS OF A "CRIME OF VIOLENCE". OF INTEREST IS THE MANNER IN WHICH
 26 THE COURT ISSUED ITS RULING - "... WE REVERSE THE DISTRICT COURT'S IMPOSITION
 27 OF THE ENHANCEMENT, VACATE THE SENTENCE AND REMAND FOR RESENTENCING.
 28 THE MANDATE SHALL ISSUE FORTHWITH." IT APPEARS THE COURT FELT SO STRONGLY

1 ABOUT THE LOWER COURT'S ERROR, THAT INSTEAD OF IT'S USUAL INSTRUCTION OF
2 BACK TO THE LOWER COURT FOR RE-SENTENCING, IT ISSUED FORTHWITH TO MAKE IT
3 IMMEDIATE.

4 FURTHER REINFORCING THE LEGISLATURES INTENT THAT NRS 200.508 NOT BE
5 INCLUDED IN NRS 202.876 AS A "VIOLENT OR SEXUAL CRIME" IS ITS INCLUSION
6 IN NEW LEGISLATION ENACTED 7-1-20. THIS WILL ALSO REINFORCE THE FACT
7 THAT NRS 200.508 IS CATEGORICALLY NOT A VIOLENT CRIME. ABZ36 IS NEW
8 LEGISLATION ADDING AND AMENDING MANY SECTIONS OF NEVADA LAW. REFERENCE
9 WILL BE MADE TO SECTION AND PARAGRAPH, AS THE SPECIFIC NRS CODE IS NOT
10 KNOWN TO PETITIONER AT THE TIME OF PREPARING THIS BRIEF.

11 FIRST IS IN SECTION 17, PARA (E), REGARDING EARLY DISCHARGE FROM
12 PROBATION "(D) THE DIVISION SHALL PETITION THE COURT TO RECOMMEND THE
13 EARLY DISCHARGE OF A PERSON FROM PROBATION IF THE PERSON: "... (E) HAS
14 NOT BEEN CONVICTED OF A VIOLENT OR SEXUAL OFFENSE AS ~~DEFINED~~ DEFINED
15 IN NRS 202.876 OR A VIOLATION OF NRS 200.508."

16 SECOND IS IN SECTION 19, PARA (3) ~~(B)~~ (B), REGARDING NO DEFERAL OF
17 JUDGEMENT "(3) THE COURT: "... (B) SHALL NOT DEFER JUDGEMENT FOR
18 ANY DEFENDANT WHO HAS BEEN CONVICTED OF A VIOLENT OR SEXUAL OFFENSE
19 AS DEFINED IN NRS 202.876, A CRIME AGAINST A CHILD AS DEFINED IN NRS
20 179D.0357 OR A VIOLATION OF NRS 200.508."

21 THIRD IS IN SECTION 34, ~~PARA (1)~~ PARA (1) ~~(E)~~, REGARDING THE LENGTH OF PROBATION
22 OR SUSPENSION OF SENTENCE "(1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION 2, THE
23 PERIOD OF PROBATION OR SUSPENSION OF SENTENCE MAY BE INDETERMINATE OR MAY
24 BE FIXED BY THE COURT AND MAY AT ANY TIME BE EXTENDED OR
25 TERMINATED BY THE COURT, BUT THE PERIOD, INCLUDING ANY EXTENSIONS THEREOF,
26 MUST NOT BE MORE THAN: "... (E) NOTWITHSTANDING THE PROVISIONS OF
27 PARAGRAPHS (A) TO (D), INCLUSIVE, 60 MONTHS FOR A VIOLENT OR SEXUAL
28 OFFENSE AS DEFINED IN NRS 202.876 OR A VIOLATION OF NRS 200.508."

1 OF PARTICULAR NOTE HERE IS THE WORDING USED "... VIOLENT OR
2 SEXUAL OFFENSE OFFENSE AS DEFINED IN NRS 202.876 OR A VIOLATION
3 OF NRS 200.508." THE USE OF THE CONJUNCTION "OR" IN THE PARAGRAPH
4 INDICATES THERE ARE TWO DISTINCT AND SEPERATE PARTS OF THE SENTENCE, ARE
5 UNRELATED, OR THE CONJUNCTION "AND" WOULD BE USED OR SOME OTHER MEANS
6 OF SENTENCE CONSTRUCTION TO TIE THE TWO PARTS TOGETHER. THIS SAME
7 LANGUAGE IS USED IN ALL 3 SECTIONS, TO DEMONSTRATE THE CONCEPT - "... 2
8 YEARS INCARCERATION FOR DRIVING UNDER THE INFLUENCE OR LEAVING THE SCENE
9 OF AN ACCIDENT INVOLVING INJURY, DEATH, OR PROPERTY DAMAGE OVER \$250.00" TO
10 COMPARE: CONSEQUENCE (INCARCERATION/NO EARLY DISCHARGE) FOR (BUI/SEX/VIOLENCE"
11 PER NRS 202.876) OR (LEAVING THE SCENE/VIOLATION OF NRS 200.508). THE CONSEQUENCE
12 IS THE SAME, BUT THE MEANS TO GET THERE ARE SEPERATE AND DISTINCT CRIMES
13 FROM EACH OTHER.

14 THIS IS FURTHER SHOWN IN NRS 179.245 (8)(f) DEALING WITH SEALING OF
15 RECORDS "ABUSE OF A CHILD PURSUANT TO NRS 200.508, IF THE ABUSE INVOLVED
16 SEXUAL ABUSE OR SEXUAL EXPLOITATION." THE DESCRIPTOR FOR SECTION 8 STATES
17 "SEXUAL OFFENSE MEANS", WHICH IS PRECEDED BY "AS USED IN THIS SECTION."

18 IT ALSO SHOWS UP IN NRS 179D.117 "TIER III OFFENDER" DEFINED - "... OR
19 A SEX OFFENDER WHO HAS BEEN CONVICTED OF: ... (4) "ABUSE OF A CHILD
20 PURSUANT TO NRS 200.508, IF THE ABUSE INVOLVED SEXUAL ABUSE OR SEXUAL
21 EXPLOITATION ..."

22 IN [CHRISTENSEN] C1323 THE NEVADA SUPREME COURT HELD "ONE BASIC TENET
23 OF STATUTORY CONSTRUCTION DICTATES THAT, IF THE LEGISLATURE INCLUDES A
24 QUALIFICATION IN ONE STATUTE, BUT OMITTS THE QUALIFICATION IN ANOTHER SIMILAR
25 STATUTE, IT SHOULD BE INFERRED THAT THE OMISSION WAS INTENTIONAL."

26 NRS 179.245 AND NRS 179D.117 ARE ESTABLISHED STATUTES DEALING WITH
27 SEX OFFENDERS. THEY SPECIFICALLY MENTION NRS 200.508 WITH QUALIFIER,
28 YET NRS 202.876, "VIOLENT OR SEXUAL OFFENSE DEFINED", WHICH IS WITHOUT
(21)

1 ANY DOUBT A QUALIFIER, HAS NO MENTION OF NRS 200.508. IN THIS CASE
2 IT IS THE SEXUAL COMPONENT THAT IS BEING CONSIDERED, BUT IF NRS 200.508
3 WAS CATEGORICALLY A SEX CRIME, THE STATUTE WOULD HAVE BEEN LISTED IN
4 NRS 202.876. AS HELD IN [CHRISTENSEN], THE OMISSION WAS INTENTIONAL. A
5 THOROUGH SEARCH OF THE NEVADA STATUTES REVEALS NOTHING REGARDING VIOLENCE
6 AND NRS 200.508.

7 IT CAN BE CLEARLY SEEN BY THE FOREGOING THAT NRS 200.508 HAS NOT
8 BEEN FORGOTTEN BY THE LEGISLATURE. IT HAS VERY CLEARLY BEEN OMITTED
9 FROM ANY STATUTES DEALING WITH VIOLENCE, HAS BEEN NARROWLY QUALIFIED IN
10 REGARDS ONLY TO SEXUAL ABUSE, AND EVEN THE FEDERAL APPEALS COURT HAS HELD IT IS
11 NOT A VIOLENT CRIME.

12 UNDER STATUTORY CONSTRUCTION HOLDINGS BY THE COURTS, THERE IS NOTHING
13 IN THE STATUTE THAT IS AMBIGUOUS AND ALL LANGUAGE IS CLEAR AND PLAIN. FURTHER,
14 IT HAS BEEN HELD THAT THERE ARE A MULTITUDE OF MEANS TO VIOLATE THE
15 STATUTE, AND ON ITS FACE IS NOT A VIOLENT OFFENSE. ONLY UNDER NARROWLY
16 CONSTRUED CIRCUMSTANCES COULD IT EVEN BE CONSIDERED A VIOLENT CRIME. THAT
17 NOTWITHSTANDING, THE EXCLUSION FROM NRS 202.876, AS PREVIOUSLY SHOWN,
18 IS CONCLUSIVE PROOF THE LEGISLATURE INTENTIONALLY OMITTED NRS 200.508 FROM
19 THE DEFINITION OF VIOLENT CRIME. THIS HAS ALL BEEN UPHELD BY THE NEVADA
20 SUPREME COURT AND 9TH CIRCUIT.

LEGAL ARGUMENT III - LIBERTY INTEREST

PETITIONER'S LIBERTY INTERESTS ARE BEING WITHHELD WITHOUT DUE PROCESS. UNDER NEVADA LAW, PAROLE IS NOT AN ABSOLUTE RIGHT AND THE GRANTING THEREOF IS NOT GUARANTEED. HOWEVER, PAROLE AND THE PROCESS OF GRANTING SAME IS CODIFIED BOTH UNDER THE NRS AND NAC SECTION 213 OF NEVADA LAW. THERE IS A VERY CLEAR PATH THROUGH THE STATUTES AND ADMIN CODE CONCERNING THE CONSIDERATIONS USED TO DETERMINE THE GRANTING OF PAROLE.

PAROLE IS A LIBERTY INTEREST. THE STATUTES ARE EXTREMELY CLEAR IN THAT PAROLE MUST BE CONSIDERED WHEN ELIGIBILITY HAS BEEN MET. THIS DATE IS CALCULATED BY NDOC'S TIMEKEEPER. PRIOR TO THAT DATE, CURRENTLY 6 MONTHS, THE PROCESS IS STARTED, BEGINNING WITH THE INMATE FILLING OUT A BRIEF INFORMATION PACKET REGARDING HIS/HER PAROLE PLANS - ADDRESS, JOB, SUPPORT, ETC. THEN ALL THE INFORMATION CONCERNING THE INMATE AND CRIMINAL HISTORY ARE ENTERED INTO A MATRIX TO DETERMINE WHAT THE POSSIBILITIES OF THE PAROLEE RE-OFFENDING OR BEING A DANGER TO SOCIETY AND COMMUNITY, IF ANY, SHOULD THE INMATE BE RELEASED TO THE COMMUNITY ON PAROLE. THE FIRST PHASE OF THIS PROCESS IS THE TYPE OF OFFENSE AN INMATE COMMITTED.

NRS 213.140(1) PROVIDES THAT AN INMATE MUST BE CONSIDERED FOR PAROLE AS SOON AS ELIGIBLE. NRS 213.10885(4) STATES IN RELEVANT PART "... GREATER PUNISHMENT FOR A CONVICTED PERSON WHO HAS A HISTORY OF REPETITIVE CRIMINAL CONDUCT OR WHO COMMITS A SERIOUS CRIME, WITH A VIOLENT CRIME CONSIDERED THE MOST SERIOUS..." THIS STATUTE PUTS A VIOLENT CRIME AT THE HIGHEST LEVEL, MEANING THAT A WRONG DETERMINATION BY NDOC WILL RESULT IN AN INACCURATE ASSESSMENT OF AN OFFENDER BASED ON FALSE, INACCURATE REPORTING OF VIOLENT NATURE OF THE OFFENDER'S OFFENSE. THIS WILL RESULT IN STANDARDS BEING APPLIED AND CONSIDERED

1 THAT ARE AT THE TOP OF THE SEVERITY LEVEL, WHICH GREATLY PRESUDICES
2 THE OFFENDER, AS THE TRUE NATURE OF THE OFFENSE, WHICH IS AT A MUCH
3 LOWER LEVEL, ARE NOT BEING CONSIDERED. THIS OBVIOUSLY WILL HAVE AN
4 ADVERSE EFFECT ON DECISION MAKING, AND WILL DENY THE OFFENDER THE
5 PROPER OPPORTUNITIES FOR LIBERTY ON PAROLE. THUS IT IS RESULTING IN
6 DENYING LIBERTY/INTERESTS OF THE OFFENDER. THE OFFENDER IS ENTITLED
7 TO A TRUE AND ACCURATE REPORTING OF THE OFFENSE. NDOC IS DENYING THIS
8 ACCURACY OF REPORTING TO THE PAROLE BOARD BY ILLEGALLY DETERMINING
9 PETITIONER'S OFFENSE IS VIOLENT AND THAT HE IS A VIOLENT OFFENDER.

10 PER NAC 213.512, THE BOARD USES THE REPORTED SEVERITY LEVEL OF THE
11 OFFENSE FROM NDOC TO DETERMINE WHICH GRID ON THE MATRIX OF SEVERITY
12 OF OFFENSE VS. RISK TO OFFEND AS FOUND IN NAC 213.516. NAC 213.514
13 PLACES THE REPORTING TO THE BOARD AS THE RESPONSIBILITY OF NDOC. NAC 213.512
14 ALSO PLACES THE DETERMINATION OF SEVERITY AS THE RESPONSIBILITY OF NDOC.

15 THIS INACCURATE REPORTING IS PLACING PETITIONER IN THE HIGHEST LEVEL IN
16 THE MATRIX OF NAC 213.516. THIS PUTS PETITIONER IN AN INACCURATE PLACEMENT,
17 DENYING CORRECT AND PROPER CONSIDERATION FOR LIBERTY. AS NDOC IS THE
18 REPORTER OF THIS LEVEL PER NAC 213.512, NDOC IS DENYING PETITIONER LIBERTY
19 INTERESTS BY ITS ILLEGAL ACTIONS, AND FURTHER IS NOT FULFILLING ITS DUTY
20 AND OBLIGATION TO CORRECTLY REPORT TO THE BOARD. THIS DIRECTLY MAKES NDOC
21 LIABLE FOR DENIAL OF LIBERTY TO THE PETITIONER.

22 ACCORDING TO THE MATRIX OF NAC 213.516, THE DIFFERENCE BETWEEN A
23 VIOLENT OFFENSE AND NON-VIOLENT OFFENSE IS TO CONSIDER ADDITIONAL FACTORS
24 LISTED IN NAC 213.518, OR TO GRANT PAROLE AT 1/2 MEETING. CLEARLY BY THE
25 VERY FACT OF LOOKING AT OTHER FACTORS VS GRANTING PAROLE, IT SHOULD BE
26 PLAINLY EVIDENT THAT NON-VIOLENT REPORTING AFFORDS A LIBERTY INTEREST
27 FAR GREATER THAN HAVING TO CONSIDER OTHER FACTORS, WHETHER IN THE END IT
28 RESULTS IN THE SAME OUTCOME OR NOT.

1	NDOC'S INACCURATE AND/LEGAL REPORTING OF PETITIONER'S OFFENSE
2	AS VIOLENT IS CLEARLY AFFECTING PETITIONER'S LIBERTY. NDOC SHOULD BE HELD
3	TO ACCURATELY REPORT THE CORRECT NATURE OF THE OFFENSE AS NON-VIOLENT.
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LEGAL ARGUMENT IV - INFORMATION

WE MUST TURN TO GRAMMATICAL CONSTRUCTION, STATUTORY INTERPRETATION, SENTENCE STRUCTURE, AND CASE LAW, AS WELL AS STATUTORY CONSTRUCTION TO DETERMINE THE EXACT CHARGES, AND UNDER WHICH METHOD OF VIOLATING THE STATUTE IS ALLEGED.

THE COURTS HAVE REPEATEDLY HELD THAT THAT LANGUAGE USED IN THE INFORMATION IS AMBIGUOUS, DOES NOT CLARIFY OR SPECIFY HOW THE OFFENSES ARE CHARGED, OR WHICH SECTION OF THE STATUTE IS BEING CHARGED AS THE OFFENSE.

THE INFORMATION STATES "... CRIME OF CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM (CATEGORY B FELONY - NRS 200.508 - NCC 5522.2) "...

WHILE ISSUES MAY BECOME APPARENT OUTSIDE THE SCOPE OF THIS BRIEF, WE WILL LIMIT DISCUSSION TO THE PASSIVE, NON-CAUSAL, LANGUAGE PROVING THAT NO VIOLENT ACTION WAS CHARGED ON PETITIONER. THE EASIEST METHOD TO ILLUSTRATE THIS IS TO EXPAND COUNT 1 AND COMPARE TO THE STATUTE NRS 200.508. COUNTS 2 AND 3 ARE IDENTICAL IN VERBAGE TO COUNT 1. ALL TERMS WILL BE STATUTORILY DEFINED.

COUNT 1

SUBJECT OF OTHER LEGAL ACTIONS

DEFENDANT DWIGHT SOLANDER DID WILLFULLY, UNLAWFULLY, AND FELONIOUSLY, DEPRIVATION

[FROM NRS 200.508 (2)] →

BEING RESPONSIBLE FOR THE SAFETY OR WELFARE OF A CHILD UNDER THE

1 | (A)(B) | (A)(C) |
 2 | AGE OF 18 YEARS, TO WIT: A.S. PERMIT OR ALLOW A.S. TO SUFFER
 3 | DEFINITION (B) | DEFINITION (C) |
 4 | ← [NRS 200.508(2)] →
 5 | UNSUSTAINABLE PHYSICAL PAIN OR MENTAL SUFFERING AS A RESULT OF
 6 |
 7 | | [NRS 200.508(4)(A)]
 8 | ABUSE OR NEGLECT, TO WIT: PHYSICAL INJURY OR A NON-ACCIDENTAL
 9 | DEFINITION (A) | VERBAGE FROM DEFINITION (A) APPLICABLE TO THIS CASE →
 10 |
 11 | NATURE AND/OR NEGLIGENT TREATMENT OR MALTREATMENT, AND/OR
 12 | ← |
 13 | [NRS 200.508(2)] →
 14 | PERMIT OR ALLOW A.S. TO BE PLACED IN A SITUATION WHERE SHE
 15 | DEFINITION (B) | DEFINITION (C) | THIS IS NOT VIOLENT ACT |
 16 |
 17 | MIGHT HAVE SUFFERED UNSUSTAINABLE PHYSICAL PAIN OR MENTAL
 18 | I AM GOING TO / NOT DO
 19 | | [NRS 200.508(4)(D)] |
 20 | SUFFERING AS A RESULT OF ABUSE OR NEGLECT PHYSICAL INJURY,
 21 | DEFINITION (A) | DEFINITION (D) |
 22 | | [NRS 432B.140] →
 23 | OF A NON-ACCIDENTAL NATURE AND/OR NEGLIGENT TREATMENT OR
 24 | DEFINITION (H) |
 25 | |
 26 | MALTREATMENT BY REPEATEDLY STRIKING THE SAID A.S. ABOUT THE
 27 | | THIS IS ATTEMPTING TO SHOW THE PREREQUISITE "ABUSE OR
 28 |

(27)

1

2 BUTTOCKS AND/OR BODY WITH A STICK, AND/OR BY CAUSING
3 NEGLECT THAT A.S. WAS "PERMITTED OR ALLOWED" TO BE PLACED IN →

4

5 THE SAID A.S. TO HOLD HER URINE AND/OR BOWEL MOVEMENTS

6

7

8 FOR AN EXTENDED PERIOD OF TIME, AND/OR BY CAUSING THE

9

10

11 SAID A.S. TO SLEEP ON BOARDS AND/OR TOWELS WITH NO SHEETS

12

13

14 OR BLANKETS WITH A FAN BLOWING ON HER, AND/OR BY

15

16

17 FORCING THE SAID A.S. TO TAKE COLD SHOWERS WHILE POURING
18 OUTSIDE THE SCOPE OF THIS PETITION, BUT PETITIONER WAS NEVER ALLOWED TO HAVE

19

20 PITCHERS OF ICE WATER ON HER WHILE SHOWERING, AND/OR
21 DONETHIS - PASTED FROM ORIGINAL INFORMATION - JANET ONLY

22

23 BY WITHHOLDING FOOD AND WATER FROM THE SAID A.S. FOR

24

25

26 EXTENDED PERIODS OF TIME, AND/OR BY PURCHASING THE
27 AGAIN OUTSIDE THE
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CATHETERS FOR DEFENDANT JANET SOLANDER TO INSERT INTO
SCOPE OF THIS PETITION AND THE SUBJECT OF OTHER LEGAL ACTIONS. →

THE A.S.'S GENITAL OPENING, RESULTING IN SUBSTANTIAL BODILY

AND/OR MENTAL HARM; THE DEFENDANT DWIGHT SOLANDER AND

JANET SOLANDER BEING CRIMINALLY LIABLE UNDER ONE OR

MORE OF THE FOLLOWING PRINCIPLES OF CRIMINAL LIABILITY,

TO WIT: (1) BY DIRECTLY COMMITTING THIS CRIME; AND/OR

BY AIDING AND ABETING IN THE COMMISSION OF THIS CRIME, WITH

THE INTENT THAT THIS CRIME BE COMMITTED, BY COUNSELING,

ENCOURAGING, HIRING, COMMANDING, INDUCING AND/OR OTHERWISE

1

2 PROCURING THE OTHER TO COMMIT THE CRIME; AND/OR (3)

3

4

5 PURSUANT TO A CONSPIRACY TO COMMIT THIS CRIME, WITH THE

6

7

8 INTENT THAT THIS CRIME BE COMMITTED, DEFENDANT DWIGHT

9

10

11 SOLANDER AND JANET SOLANDER AIDING OR ABETTING AND/OR

12

13

14 CONSPIRING BY DEFENDANT DWIGHT SOLANDER AND JANET SOLANDER

15

16

17 ACTING IN CONCERT THROUGHOUT.

18

19

20 AS IS APPARENT, THIS INFORMATION CONTAINS THE USE OF WORDING

21 THAT HAS BEEN HELD BY THE COURTS AND DEFINED IN STATUTES THAT HAS

22 VERY, VERY SPECIFIC MEANING. IT IS ALSO APPARENT THAT ALL LANGUAGE

23 COMES FROM SECTION TWO OF NRS 200.508, WHICH IS ALL PASSIVE IN ITS

24 WORDING AND ALSO AS HELD BY THE NEVADA SUPREME COURT AND THE 9TH

25 CIRCUIT. MANY OF THESE ISSUES ARE THE SUBJECT OF OTHER LEGAL ACTIONS,

26 AND AS SAID EARLIER, WE ARE LIMITING DISCUSSION TO THE NON-VIOLENT

27 ASPECTS, WORDING, AND CONCLUSIONS.

28 FROM THE WORD BY WORD ANALYSIS ABOVE AND THE COMPARISON

1 TO THE STATUTE NRS 200.508, THIS INFORMATION IS WORDED AND BASED
2 ENTIRELY ON SECTION 2 OF THE STATUTE, WHICH ^{IS} ENTIRELY PASSIVE IN ITS
3 WORDING, WHICH IS PERMIT, ALLOW, PLACED IN A SITUATION, BUT NOT DIRECTLY
4 CAUSING ANY ABUSE OR HARM. THE COURTS (BOTH NEVADA SUPREMA AND 9TH
5 CIRCUIT) HAVE REPEATEDLY RULED ON THIS. IN ORDER FOR VIOLENCE TO BE
6 A PART OF THE CRIME CHARGED, A DIRECT ACT OF ABUSE OR NEGLECT HAS
7 TO BE PERPETRATED, WHICH IN PETITIONER'S CASE WAS NOT.

8 WHILE OUTSIDE THE SCOPE OF THIS PETITION AND LEGAL BRIEF,
9 AND THE SUBJECT OF OTHER PROCEEDINGS, ARE THE FACT THAT SEVERAL OF
10 THE ALLEGED ABUSE LISTED IN INFORMATION WERE NOT ORIGINALLY IN THE
11 INFORMATION BEFORE AMENDMENT, WERE CHARGED ONLY TO JAMES AS NO
12 EVIDENCE EXISTS FROM PRE-LIM THAT PETITIONER WAS INVOLVED IN ANY WAY
13 FROM TESTIMONY OF THE MINOR VICTIMS. REGARDLESS OF OTHER LEGAL ISSUES,
14 THE FACT REMAINS THAT NO DIRECT ACTS OF VIOLENCE WERE BROUGHT
15 AGAINST THE PETITIONER IN THE INFORMATION, ONLY PASSIVELY ALLOWING
16 OTHERS TO COMMIT THOSE ACTS, WHICH BY ITS VERY DEFINITION CANNOT
17 ENCOMPASS AN ACT OF VIOLENCE BY PETITIONER. ONCE AGAIN, AS SHOWN
18 EARLIER, THE COURTS HAVE UPHOLD THIS ARGUMENT AND LEGAL INTERPRETATION
19 MULTIPLE TIMES.

20 IN LIGHT OF ALL THE FOREGOING, IT SHOULD BE UNEQUIVOCALLY CLEAR
21 THAT PETITIONER WAS NOT CHARGED WITH OR FOUND GUILTY OF ANY CRIME
22 OF VIOLENCE. AS SUCH PETITIONER IS ENTITLED TO THE RELIEF SOUGHT IN
23 HIS PETITION.

24

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1	LEGAL ARGUMENT IV - INFORMATION - DEFINITIONS	
2		
3	(A) FROM NRS 200.508 (4) (A)	
4	"ABUSE OR NEGLECT" MEANS PHYSICAL OR MENTAL INJURY OF A	
5	NONACCIDENTAL NATURE, SEXUAL ABUSE, SEXUAL EXPLOITATION, NEGLIGENT	
6	TREATMENT OR MALTRTMENT OF A CHILD UNDER THE AGE OF 18 YEARS,	
7	AS SET FORTH IN PARAGRAPH (D) AND NRS 432B.070, 432B.100, 432B.110,	
8	432B.140 AND 432B.150, UNDER CIRCUMSTANCES WHICH INDICATE THAT THE	
9	CHILD'S HEALTH OR WELFARE IS HARMED OR THREATENED WITH HARM.	
10		
11	(B) FROM NRS 200.508 (4) (B)	
12	"ALLOW" MEANS TO DO NOTHING TO PREVENT OR STOP THE ABUSE OR	
13	NEGLECT OF A CHILD IN CIRCUMSTANCES WHERE THE PERSON KNOWS OR HAS	
14	REASON TO KNOW THAT THE CHILD IS ABUSED OR NEGLECTED.	
15		
16	(C) FROM NRS 200.508 (4) (C)	
17	"PERMIT" MEANS PERMISSION THAT A REASONABLE PERSON	
18	WOULD NOT GRANT AND WHICH AMOUNTS TO A NEGLECT OR RESPONSIBILITY	
19	ATTENDING THE CARE, CUSTODY AND CONTROL OF A MINOR CHILD.	
20		
21	(D) FROM NRS 200.508 (4) (D)	
22	"PHYSICAL INJURY" MEANS:	
23	(1) PERMANENT OR TEMPORARY DISFIGUREMENT; OR	
24	(2) IMPAIRMENT OF ANY BODILY FUNCTION OR ORGAN OF THE BODY.	
25		
26	(E) FROM NRS 200.508 (4) (E)	
27	"SUBSTANTIAL MENTAL HARM" MEANS ANY INJURY TO THE	
28	PSYCHOLOGICAL OR INTELLECTUAL CAPACITY OR THE EMOTIONAL CONDITION	
	(22)	

1 OF A CHILD AS EVIDENCE BY AN OBSERVABLE AND SUBSTANTIAL

2 IMPAIRMENT OF THE ABILITY OF THE CHILD TO FUNCTION WITHIN HIS
3 OR HER NORMAL RANGE OF PERFORMANCE OR BEHAVIOR.

4
5 (F) FROM NRS 0.060 "SUBSTANTIAL BODILY HARM" DERIVED

6 UNLESS THE CONTEXT OTHERWISE REQUIRES, "SUBSTANTIAL BODILY
7 HARM" MEANS:

8 (1) BODILY INJURY WHICH CREATES A SUBSTANTIAL RISK OF DEATH
9 OR WHICH CAUSES SERIOUS, PERMANENT DISFIGUREMENT OR
10 PROTRACTED LOSS OR IMPAIRMENT OF THE FUNCTION OF ANY
11 BODILY MEMBER OR ORGAN; OR

12 (2) PROLONGED PHYSICAL PAIN.

13
14 (G) FROM NRS 432B.070 "MENTAL INJURY" DEFINED. (NRS 200.508)(4)(A)

15 "MENTAL INJURY" MEANS AN INJURY TO THE INTELLECTUAL OR
16 PSYCHOLOGICAL CAPACITY OR THE EMOTIONAL CONDITION OF A CHILD AS
17 EVIDENCED BY AN OBSERVABLE AND SUBSTANTIAL IMPAIRMENT OF THE
18 ABILITY OF THE CHILD TO FUNCTION WITHIN A NORMAL RANGE OF
19 PERFORMANCE OR BEHAVIOR

20
21 (H) FROM NRS 432B.140 NEGLIGENT TREATMENT OR MALTREATMENT (NRS 200.508)(5)(A)

22 NEGLIGENT TREATMENT OR MALTREATMENT OF A CHILD OCCURS IF A
23 CHILD HAS BEEN ABANDONED, IS WITHOUT PROPER CARE, CONTROL AND SUPERVISION
24 OR LACKS THE SUBSISTENCE, EDUCATION, SHELTER, MEDICAL CARE OR OTHER
25 CARE NECESSARY FOR THE WELL-BEING OF THE CHILD BECAUSE OF THE
26 FAULTS OR HABITS OF THE PERSON RESPONSIBLE FOR THE WELFARE OF THE CHILD
27 OR THE NEGLECT OR REFUSAL OF THE PERSON TO PROVIDE THEM WHEN ABLE
28 TO DO SO.

1 (I) FROM [LABASTIDA V STATE, 15 NEV 298] (1999) FROM FOOTNOTE 5 THE COURT
2 UPHOLD AND AGREED WITH DEFINITION OF "WILLFULLY"
3 "THE WORD 'WILLFULLY' WHEN USED IN CRIMINAL STATUTES RELATES TO
4 AN ACT OR OMISSION WHICH IS DONE INTENTIONALLY, DELIBERATELY, OR
5 DESIGNEDLY, AS DISTINGUISHED FROM AN ACT OR OMISSION DONE
6 ACCIDENTALLY, INADVERTENTLY, OR INNOCENTLY"

LEGAL ARGUMENT ~~II~~ - JOC

THE LANGUAGE USED IN THE JOC STATES THAT DEFENDANT "ENTERED A PLEA OF GUILTY TO THE CRIMES OF COUNTS 1, 2 AND 3 - CHILD ABUSE, NEGLECT OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM (CATEGORY B FELONY) IN VIOLATION OF NRS 200.508."

WHILE MANY ARGUMENTS CAN AND ARE BEING MADE BY PETITIONER IN OTHER ACTIONS, THIS PETITION AND BRIEF ARE NARROW IN SCOPE AND ARE ONLY CONCERNED WITH THE NON-VIOLENT NATURE OF THE OFFENSE.

FROM PRIOR ANALYSIS OF THE STATUTE, IT WAS SHOWN AND HAS BEEN HELD BY THE NEVADA SUPREME COURT, THAT A VIOLATION OF NRS 200.508 CAN OCCUR IN A MULTIPLICITY OF MANNERS. THERE ARE TWO PATHS - ONE ACTIVELY CAUSING HARM, AND THE OTHER PERMITTING OR ALLOWING HARM. THE JOC IS SILENT AS TO WHAT THE CONVICTION WAS FOR. IT MERELY STATES "IN VIOLATION OF NRS 200.508". IN THE LEGAL ARGUMENT ON THE INFORMATION THIS WILL BE ADDRESSED IN DEPTH.

AS BY DEFINITION, PASSIVITY CANNOT BE VIOLENT, AND AS HELD BY THE 9TH CIRCUIT [CONTRERA-SALAS], SBH DOES NOT PREDICATE OR INDICATE ANY VIOLENT ACT.

THE JOC DOES NOT CLARIFY HOW NRS 200.508 WAS VIOLATED, SO WE MUST LOOK INTO THE INFORMATION LANGUAGE TO HELP DETERMINE THIS, AS WELL AS OTHER DOCUMENTS AND CASE LAW HOLDINGS ON THE SUBJECT.

CONCLUSION

FROM THE FOREGOING STATUTES, LEGAL ARGUMENTS, STATUTORY INTERPRETATION, AND COURT HOLDINGS, THE ONLY CONCLUSION THAT CAN BE DRAWN IS THAT NDOC IS CLEARLY IN ERROR IN ITS DETERMINATION THAT PETITIONER COMMITTED ANY CRIME OF VIOLENCE AND THEREFORE IS NOT A VIOLENT OFFENDER AS THEY ARE REPORTING. CASE LAW IS DIRECTLY ON POINT IN SUPPORT OF PETITIONER'S OFFENSE NOT VIOLENT.

LEGAL ARGUMENTS II-I SHOULD NOT EVEN BE NEEDED IN SUPPORT OF THE PETITION AS NRS 202.876 IN ITS PLAIN, UNAMBIGUOUS LANGUAGE IS CONCLUSIVE, UNEQUIVICAL PROOF THE LEGISLATURE DID NOT INTEND THAT NRS 200.508 IS A CRIME OF VIOLENCE. THIS IS FURTHER PROVEN OUT BY THE PASSIVE LANGUAGE PETITIONER WAS CHARGED WITH UNDER SECTION 2 OF NRS 200.508.

TO FURTHER ENFORCE THE FACT OF PETITIONER'S OFFENSE BEING NON-VIOLENT IS THE SUBSTANTIAL CASE LAW OF THE NEVADA SUPREME COURT AND THE 9TH CIRCUIT THAT UNDERSCORES THIS POINT, OF WHICH ONLY A REPRESENTATIVE SAMPLE WAS PRESENTED.

IN LIGHT OF THE FOREGOING LEGAL ARGUMENTS, CASE LAW, STATUTORY INTERPRETATION, STATUTES ON THEIR FACE, AND THE LEGAL CONCLUSIONS THAT ARE DRAWN FROM THEM, THERE IS NO OTHER CHOICE TO BE FOUND THAN TO GRANT THE PETITIONER HIS PETITION, ORDERING NDOC TO LEGALLY AND ACCURATELY REPORT PETITIONER'S OFFENSE AS NON-VIOLENT AND REPORT PETITIONER AS A NON-VIOLENT OFFENDER.

PETITIONER IS FURTHER BEING DENIED ACCURATE AND TRUE CONSIDERATION FOR A CODIFIED LIBERTY/INTEREST. THIS FURTHER SOLIDIFIES THE CONCLUSION THIS PETITION SHOULD BE GRANTED.

CERTIFICATE OF MAILING

I, DWIGHT SOLANDER, HEREBY CERTIFY THAT ON THE 29TH DAY OF JULY, 2020, I MAILED A TRUE AND CORRECT COPY OF THE FOREGOING LEGAL BRIEF IN SUPPORT OF MOTION, POSTAGE PRE-PAID, BY DEPOSITING INTO THE MAIL SYSTEM OF HDSP. ADDRESSED TO:

ATTORNEY GENERAL OF NEVADA
100 N CARSON ST.
CARSON CITY, NV 89701

WARDEN, HDSP
BOX 650
INDIAN SPRINGS, NV 89070

DATED THIS 29TH DAY OF JULY, 2020

x 

DWIGHT SOLANDER 1200038
BOX 650 HDSP
INDIAN SPRINGS, NV 89070



1 **OPPS**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JONATHAN VANBOSKERCK
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9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 DWIGHT CONRAD SOLANDER,
13 #3074262,

14 Defendant.

CASE NO: A-20-815535-W

C-14-299737-1

DEPT NO: XXI

15 **STATE'S OPPOSITION TO DEFENDANT'S**
16 **MOTION TO STAY TIME TO FILE WRIT**

17 DATE OF HEARING: SEPTEMBER 10, 2020
18 TIME OF HEARING: 9:30 AM

19 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
20 District Attorney, through JONATHAN VANBOSKERCK, Chief Deputy District Attorney,
21 and hereby submits the attached Points and Authorities in support its Opposition to
22 Defendant's "Motion to Stay Time to File Writ After JOC Final."

23 This Opposition is made and based upon all the papers and pleadings on file herein, the
24 attached points and authorities in support hereof, and oral argument at the time of hearing, if
25 deemed necessary by this Honorable Court.

26 //

27 //

28 //

\\CLARKCOUNTYDA.NET\CRM\CASE2\2014\14776201414776C-RSPN-(SOLANDER, DWIGHT)-001.DOCX

1 **POINTS AND AUTHORITIES**

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 On July 10, 2018, Defendant filed a Notice of Appeal from his JOC. On January 14,
28 2020,

1 the Nevada Supreme Court affirmed Defendant's JOC. Remittitur issued on February 25,
2 2020.

3 On August 19, 2020, Defendant filed the instant "Motion to Stay Time to File Writ
4 After JOC Final" (the instant "Motion").

5 STATEMENT OF FACTS

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

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

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

18 The victims related further that Janet had a timer, and they were not allowed to
19 use the bathroom until the timer went off. This caused the girls to have trouble
20 using the bathroom and made their stomachs hurt. If the girls had bathroom
21 accidents, they were not allowed to eat for days. Janet blended their food, and
22 they did not know what they were eating. If the victims got in trouble, they had
23 to sit on a bucket with a toilet seat on top for hours at a time. If they got into
24 trouble, Janet made them take a cold shower and Janet would pour ice water on
25 them. They were not provided a towel to dry off, but they had to stand in front
26 of a large fan. Additionally, the girls slept on boards with no sheets or blankets.
27 They slept in their underwear with a fan blowing on them. Victim #2 (DOB: 01-
28 23-03) has a scar on her back from Janet pouring hot water on her. Sometimes
after the victims had bathroom accidents, Janet would make them put their soiled
underwear in their mouths and leave it there until their mouths would bleed.
Victim #3 (DOB: 07-25-04) reported that Janet stuck a paint stick in her vagina
because she could not hold her bladder. Victim #3 also has scarring on her right
ear and back from Janet pouring hot water on her. The girls also reported that
Janet would put a catheter in them, and if urine came out, she would hit them
with a paint stick.

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

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

2 **ARGUMENT**

3 Defendant moves this Court to issue a stay regarding the calculation of time within
4 which Defendant may timely file a post-conviction petition for writ of habeas corpus. Instant
5 Motion at 1-2. In support of his Motion, Defendant argues that he has not yet received the
6 documents that he has previously requested. Id. However, Defendant has failed to support his
7 request with any relevant legal authority or cogent argument regarding the merits of, or this
8 Court's jurisdiction to grant, such a request.

9 In fact, this Court does not have authority to set aside statutory procedural bars, as the
10 Nevada Supreme Court has expressly deemed those bars to be mandatory. See, e.g., State v.
11 Huebler, 128 Nev. 192, 197 n.2, 275 P.3d 91, 95 n.2 (2012) ("under the current statutory
12 scheme the time bar in NRS 34.726 is *mandatory, not discretionary*." (Emphasis added)). Even
13 "a stipulation by the parties cannot empower a court to disregard the mandatory procedural
14 default rules." State v. Haberstroh, 119 Nev. 173, 180, 69 P.3d 676, 681 (2003); see also,
15 Sullivan v. State, 120 Nev. 537, 540 n.6, 96 P.3d 761, 763-64 n.6 (2004) (concluding that a
16 petition was improperly treated as timely and that a stipulation to the petition's timeliness was
17 invalid). The Nevada Supreme Court has likewise specifically found that district courts have
18 a duty to consider whether procedural bars apply to post-conviction petitions and not arbitrarily
19 disregard those bars. State v. Eighth Judicial Dist. Court (Riker), 121 Nev. 225, 231, 112 P.3d
20 1070, 1074 (2005). The Riker Court held that "[a]pplication of the statutory procedural default
21 rules to post-conviction habeas petitions is mandatory," and "cannot be ignored when properly
22 raised by the State." 121 Nev. at 233, 112 P.3d at 1075. That Court reversed the district court's
23 decision not to bar the defendant's untimely and successive petition, finding that the district
24 court's failure to apply the statutory procedural bars amounted to "an arbitrary and
25 unreasonable exercise of discretion." Id. at 234, 112 P.3d at 1076. The Riker Court explained
26 its decision by noting, "[t]he necessity for a workable system dictates that there must exist a
27 time when a criminal conviction is final." Id. at 231, 112 P.3d 1074 (citation omitted). That
28 sentiment toward the procedural bars was affirmed in 2013, when the Nevada Supreme Court

1 again reversed a district court's granting of a post-conviction habeas corpus petition, ruling
2 that the petition was untimely and successive, and that the defendant had failed to demonstrate
3 good cause and actual prejudice. State v. Greene, 129 Nev. 559, 565-66, 307 P.3d 322, 326
4 (2013). Accordingly, the Greene Court remanded the matter to the district court with orders to
5 dismiss the defendant's petition pursuant to the statutory procedural bars. Id.

6 Further, the Nevada Supreme Court has held that equitable tolling is not applicable in
7 Nevada. Brown v. McDaniel, 130 Nev. 565, 576, 331 P.3d 867, 874 (2014). Therefore,
8 Defendant's instant Motion must be denied.

9 **CONCLUSION**


10 For the forgoing reasons, the State respectfully requests that Defendant's Motion to
11 Stay Time be DENIED in its entirety.

12 DATED this 3rd day of September, 2020.

13 Respectfully submitted,

14 STEVEN B. WOLFSON
15 Clark County District Attorney
16 Nevada Bar #1565

17 BY

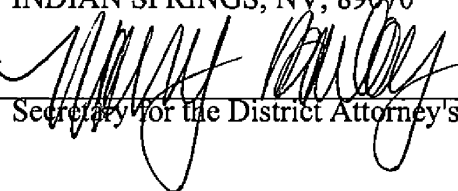

18 JONATHAN VANBOSKERCK
19 Deputy District Attorney
20 Nevada Bar #06528

21 **CERTIFICATE OF MAILING**

22 I hereby certify that service of the above and foregoing was made this 3rd day of
23 September, 2020, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

24 DWIGHT SOLANDER
25 BAC#1200038
26 P.O. BOX 650 (HDSP)
27 INDIAN SPRINGS, NV, 89070

28 BY


Secretary for the District Attorney's Office

14F04585A/JV/jj/mlb/SVU

1 **DAO**

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

5 DWIGHT SOLANDER,

6 Petitioner,

7 vs.

8 JEREMY BEAN, WARDEN HDSP,

9 Respondents.

Case No. A-20-815535-W

Dept. No. XXI

10 **DECISION AND ORDER**

11 THIS CAUSE came before the Honorable Valerie Adair on September 1, 2020, for a hearing of
12 Petitioner Dwight Solander's Petition for Writ of Habeas Corpus (Post-Conviction) filed on May 27,
13 2020. Respondents filed a response on July 13, 2020 and Petitioner Solander filed a Legal Brief in
14 Support of his Petition for Writ of Habeas Corpus Per NRS 34.360 on August 14, 2020. Deputy Attorney
15 General Katrina A. Samuels appeared on behalf of Respondents and Petitioner Solander was not present.
16 At the hearing, the Court did not entertain argument and made its decision based solely upon the
17 pleadings.

18 THE COURT FINDS that Petitioner Dwight Solander ("Mr. Solander") is currently incarcerated
19 at High Desert State Prison for criminal acts he committed on or between January 19, 2011 and November
20 11, 2013. The Eighth Judicial District Court adjudicated Mr. Solander guilty of three counts of Child
21 Abuse, Neglect or Endangerment Resulting in Substantial Bodily Harm, all category B felonies.

22 THE COURT FURTHER FINDS that Mr. Solander was sentenced to three concurrent terms of
23 one hundred twenty months incarceration with minimum parole eligibility after thirty-six months. Mr.
24 Solander began serving his prison sentence on June 5, 2018 and his parole eligibility date ("PED") is set
25 for February 19, 2021.

26 WHEREFORE THE COURT CONCLUDES that Mr. Solander has improperly challenged the
27 conditions of his confinement by attempting to challenge his prison classification. Petitions for writs of
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1 v. *Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984) (citing *Director, Dep't Prisons v. Arndt*, 98
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3 Mr. Solander's allegations speak only to the conditions of his confinement and not to the validity of his
4 confinement. He is complaining that the Nevada Department of Corrections (NDOC) has classified him
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9 Consequently, Mr. Solander's challenge to the conditions of his confinement are not cognizable in a
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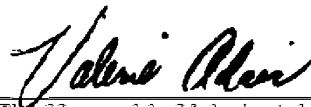
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1 ~~imprisonment in order to become eligible to appear before a parole board, making his claim for a parole~~
2 ~~hearing not ripe for review.~~

3 THEREFORE, IT IS HEREBY ORDERED that Mr. Solander's Petition for Writ of Habeas
4 Corpus and Legal Brief in Support of Petition for Writ of Habeas Corpus Per NRS 34.360 is DENIED.

5 IT IS SO ORDERED this _____ day of _____, 2020.
6 ~~Dated this 9th day of October, 2020~~

7 

8 The Honorable Valerie Adair
9 District Court Judge
F99 EE8 AF38 D2F9
Valerie Adair
District Court Judge

10 Submitted by:

11 AARON D. FORD
Attorney General

TW

12 /s/ Katrina A. Samuels
13 Katrina A. Samuels (Bar No. 13394)
14 Deputy Attorney General
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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5		
6	Dwight Solander, Plaintiff(s)	CASE NO: A-20-815535-W
7	vs.	DEPT. NO. Department 21
8	Jeremy Bean, Warden HDSP,	
9	Defendant(s)	

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 10/9/2020

16	Marsha Landreth	mlandreth@ag.nv.gov
17	Rikki Garate	rgarate@ag.nv.gov
18	Katrina Samuels	KSamuels@ag.nv.gov
19	Cheryl Martinez	cjmartinez@ag.nv.gov



1 NEOJ

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

4 DWIGHT SOLANDER,

5
6 Petitioner,

Case No: A-20-815535-W

Dept. No: XXI

7 vs.

8 JEREMY BEAN, WARDEN HDSP,

9 Respondent,

NOTICE OF ENTRY OF ORDER

10
11 **PLEASE TAKE NOTICE** that on October 9, 2020, 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
15 mailed to you. This notice was mailed on October 13, 2020.

16 STEVEN D. GRIERSON, CLERK OF THE COURT

17 /s/ Amanda Hampton

18 Amanda Hampton, Deputy Clerk

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

20 I hereby certify that on this 13 day of October 2020, I served a copy of this Notice of Entry on the
21 following:

22 ☒ By e-mail:

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

25 ☒ The United States mail addressed as follows:

26 Dwight Solander # 1200038
27 P.O. Box 650
28 Indian Springs, NV 89070

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

1 **DAO**

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

5 DWIGHT SOLANDER,

6 Petitioner,

7 vs.

8 JEREMY BEAN, WARDEN HDSP,

9 Respondents.

Case No. A-20-815535-W

Dept. No. XXI

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18 THE COURT FINDS that Petitioner Dwight Solander ("Mr. Solander") is currently incarcerated
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24 Solander began serving his prison sentence on June 5, 2018 and his parole eligibility date ("PED") is set
25 for February 19, 2021.

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2 ~~hearing not ripe for review.~~

3 THEREFORE, IT IS HEREBY ORDERED that Mr. Solander's Petition for Writ of Habeas
4 Corpus and Legal Brief in Support of Petition for Writ of Habeas Corpus Per NRS 34.360 is DENIED.

5 IT IS SO ORDERED this _____ day of _____, 2020.
6 ~~Dated this 9th day of October, 2020~~

7 
8 The Honorable Valerie Adair
9 District Court Judge
10 F99 EE8 AF38 D2F9
11 Valerie Adair
12 District Court Judge

Submitted by:

10 AARON D. FORD
11 Attorney General

TW

12 /s/ Katrina A. Samuels
13 Katrina A. Samuels (Bar No. 13394)
14 Deputy Attorney General
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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Dwight Solander, Plaintiff(s) CASE NO: A-20-815535-W
7 vs. DEPT. NO. Department 21
8 Jeremy Bean, Warden HDSP,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Decision and Order was served via the court's electronic eFile system
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15 Service Date: 10/9/2020

16 Marsha Landreth	mlandreth@ag.nv.gov
17 Rikki Garate	rgarate@ag.nv.gov
18 Katrina Samuels	KSamuels@ag.nv.gov
19 Cheryl Martinez	cjmartinez@ag.nv.gov

DWIGHT SOLANDER 1200038
Box 650 HOSP
INDIAN SPRINGS, NV 89070

Electronically Filed
11/5/2020 8:42 AM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

8TH DISTRICT COURT
CLARK COUNTY, NEVADA

DWIGHT SOLANDER

PETITIONER

CASE: A-20-815535-W

V

DEPT: 21

JEREMY BEAN, WARDEN HOSP

RESPONDENT

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT PETITIONER, DWIGHT SOLANDER,
BY AND THROUGH HIMSELF IN PROPER PERSON, NOW APPEALS TO THE
SUPREME COURT OF THE STATE OF NEVADA THE DECISION OF THE
DISTRICT COURT. A COPY OF THE NOTICE OF ENTRY OF ORDER IS
ATTACHED HERETO.

SUBMITTED THIS 29TH DAY OF OCTOBER, 2020 BY:

[Signature]

DWIGHT SOLANDER 1200038

Box 650 HOSP

INDIAN SPRINGS, NV 89070

IN PRO PER

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NOV 04 2020

CLERK OF THE COURT

COPY

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10/13/2020 1:26 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

NEOJ

DISTRICT COURT
CLARK COUNTY, NEVADA

DWIGHT SOLANDER,

Petitioner,

Case No: A-20-815535-W

Dept. No: XXI

vs.

JEREMY BEAN, WARDEN HDSP,

Respondent,

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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 13 day of October 2020, 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 # 1200038
P.O. Box 650
Indian Springs, NV 89070

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

Heather S. Smith
CLERK OF THE COURT

1 DAO

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 DWIGHT SOLANDER,

Case No. A-20-815535-W

6 Petitioner,

Dept. No. XXI

7 vs.

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26 not ripe for review.

27 WHEREFORE THE COURT FURTHER CONCLUDES that Mr. Solander's claim regarding his
28 prison classification is not cognizable for habeas relief, and he has not served the requisite term of

1. ~~imprisoned in order to become eligible to apply for early parole and making his release possible~~
2. ~~leaving terms for review~~

3. THEREFORE, IT IS HEREBY ORDERED that Mr. Solander's Petition for Writ of Habeas
4. Corpus and Legal Brief in Support of Petition for Writ of Habeas Corpus Per NRS 34.360 is DENIED.

5. IT IS SO ORDERED this _____ day of _____, 2020.
6. Dated this 9th day of October, 2020

7. 
8. The Honorable Valerie Adair
9. District Court Judge
10. F09 EE8 AF38 D2F0
11. Valerie Adair
12. District Court Judge

13. Submitted by:
14. AARON D. FORD
15. Attorney General

TW

16. /s/ Katrina A. Samuels
17. Katrina A. Samuels (Bar No. 13394)
18. Deputy Attorney General

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
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6 Dwight Solander, Plaintiff(s)

CASE NO: A-20-815535-W

7 vs.

DEPT. NO. Department 21

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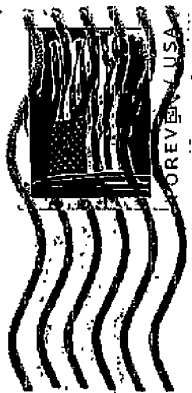
19 Cheryll Martinez

cjmartinez@ag.nv.gov

SOLANDER 1200038
BOX 650
89070

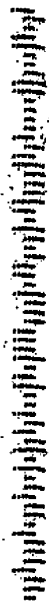
LAS VEGAS NV 890

2 NOV 2020 PM 4 L



CLERK OF DISTRICT COURT
200 LEWIS AVE 3RD FLOOR
LAS VEGAS, NV 89115

89101-630000





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

9 DWIGHT SOLANDER,

10 Plaintiff(s),

11 vs.

12 JEREMY BEAN, WARDEN HDSP,

13 Defendant(s),
14

Case No: A-20-815535-W

Dept No: XXI

15
16 **CASE APPEAL STATEMENT**
17

18 1. Appellant(s): Dwight Solander

19 2. Judge: Valeria Adair

20 3. Appellant(s): Dwight Solander

21 Counsel:

22 Dwight Solander #1200038

23 P.O. Box 650

24 Indian Springs, NV 89070

25 4. Respondent (s): Jeremy Bean, Warden HDSP

26 Counsel:

27 Steven B. Wolfson, District Attorney

28 200 Lewis Ave.

Las Vegas, NV 89155-2212

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5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A
- Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A
6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No
7. Appellant Represented by Appointed Counsel On Appeal: N/A
8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
***Expires 1 year from date filed*
Appellant Filed Application to Proceed in Forma Pauperis: No
Date Application(s) filed: N/A
9. Date Commenced in District Court: May 27, 2020
10. Brief Description of the Nature of the Action: Civil Writ
Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus
11. Previous Appeal: No
Supreme Court Docket Number(s): N/A
12. Child Custody or Visitation: N/A
13. Possibility of Settlement: Unknown

Dated This 9 day of November 2020.

Steven D. Grierson, Clerk of the Court

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

cc: Dwight Solander

FILED
JAN - 5 2021

[Signature]
CLERK OF COURT

1 Case No.
2 Dept. No.

3 IN THE 8TH JUDICIAL DISTRICT COURT OF THE
4 STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

PP
GA
5 DWIGHT SOLANDER

Petitioner,

6 v.

PETITION FOR WRIT
OF HABEAS CORPUS
(POSTCONVICTION)

A-20-815535-W
Dept. 15

7 TEREMY BEANS, WARDEN

8 Respondent.

9 INSTRUCTIONS:

- 10 (1) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.
11 (2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to
12 support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted,
13 they should be submitted in the form of a separate memorandum.
14 (3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in
15 Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of
16 money and securities on deposit to your credit in any account in the institution.
17 (4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific
18 institution of the Department of Corrections, name the warden or head of the institution. If you are not in a specific
19 institution of the Department but within its custody, name the Director of the Department of Corrections.
20 (5) You must include all grounds or claims for relief which you may have regarding your conviction or sentence.
21 Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction
22 and sentence.
23 (6) You must allege specific facts supporting the claims in the petition you file seeking relief from any conviction
24 or sentence. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If
25 your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-
26 client privilege for the proceeding in which you claim your counsel was ineffective.
27 (7) When the petition is fully completed, the original and one copy must be filed with the clerk of the state
28 district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to
the Attorney General's Office, and one copy to the district attorney of the county in which you were convicted or to
the original prosecutor if you are challenging your original conviction or sentence. Copies must conform in all
particulars to the original submitted for filing.

21 PETITION

22 1. Name of institution and county in which you are presently imprisoned or where and how you are presently
23 restrained of your liberty: HDSP, CLARK

24 2. Name and location of court which entered the judgment of conviction under attack: 8TH DISTRICT
25 LAS VEGAS, CLARK COUNTY, NV

26 3. Date of judgment of conviction: 6-18-18

27 4. Case number: C-14-299737-1

28 (a) Length of sentence: 3-10 YRS.

CLERK OF THE COURT

RECEIVED
DEC 14 2020

1 (b) If sentence is death, state any date upon which execution is scheduled:....

2 6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion?

3 Yes No ☒

4 If "yes," list crime, case number and sentence being served at this time:

5
6
7 7. Nature of offense involved in conviction being challenged: CHILD ABUSE AND/OR NEGLECT
8 WITH SBH

9 8. What was your plea? (check one)

10 (a) Not guilty

11 (b) Guilty ☒

12 (c) Guilty but mentally ill

13 (d) Nolo contendere

14 9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment or information, and a
15 plea of not guilty to another count of an indictment or information, or if a plea of guilty or guilty but mentally ill was
16 negotiated, give details:

17
18 10. If you were found guilty or guilty but mentally ill after a plea of not guilty, was the finding made by: (check one)

19 (a) Jury

20 (b) Judge without a jury

21 11. Did you testify at the trial? Yes No

22 12. Did you appeal from the judgment of conviction? Yes ☒ No

23 13. If you did appeal, answer the following:

24 (a) Name of court: NEVADA SUPREME COURT

25 (b) Case number or citation: 76905

26 (c) Result: AFFIRMED

27 (d) Date of result:

28 (Attach copy of order or decision, if available.)

1 14. If you did not appeal, explain briefly why you did not:

2
3
4 15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any
5 petitions, applications or motions with respect to this judgment in any court, state or federal? Yes No ☒

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

7 (a) (1) Name of court:

8 (2) Nature of proceeding:

9
10 (3) Grounds raised:

11
12
13 (4) Did you receive an evidentiary hearing on your petition, application or motion? Yes No

14 (5) Result:

15 (6) Date of result:

16 (7) If known, citations of any written opinion or date of orders entered pursuant to such result:

17
18 (b) As to any second petition, application or motion, give the same information:

19 (1) Name of court:

20 (2) Nature of proceeding:

21 (3) Grounds raised:

22 (4) Did you receive an evidentiary hearing on your petition, application or motion? Yes No

23 (5) Result:

24 (6) Date of result:

25 (7) If known, citations of any written opinion or date of orders entered pursuant to such result:

26
27 (c) As to any third or subsequent additional applications or motions, give the same information as above, list
28 them on a separate sheet and attach.

1 (d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any
2 petition, application or motion?

3 (1) First petition, application or motion? Yes No

4 Citation or date of decision:

5 (2) Second petition, application or motion? Yes No

6 Citation or date of decision:

7 (3) Third or subsequent petitions, applications or motions? Yes No

8 Citation or date of decision:

9 (e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you
10 did not. (You must relate specific facts in response to this question. Your response may be included on paper which
11 is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in
12 length.).....

13
14 17. Has any ground being raised in this petition been previously presented to this or any other court by way of
15 petition for habeas corpus, motion, application or any other postconviction proceeding? If so, identify:

16 (a) Which of the grounds is the same:

17
18 (b) The proceedings in which these grounds were raised:

19
20 (c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this
21 question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your
22 response may not exceed five handwritten or typewritten pages in length.)

23
24 18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached,
25 were not previously presented in any other court, state or federal, list briefly what grounds were not so presented,
26 and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your
27 response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not
28 exceed five handwritten or typewritten pages in length.)

QUESTION 18.

I HAVE JUST COMPLETED REVIEWING THE RECORD OF THIS CASE AND DISCOVERED MULTIPLE ISSUES NEVER ADDRESSED BY COUNSEL. INCLUDED IN THE PETITION IS A COUNT FOR INEFFECTIVE COUNSEL AS WELL AS A TWO-PRONG CLAIM OF ACTUAL INNOCENCE. COUNSEL DID NOT ADDRESS OR PRESENT THESE ISSUES TO THE COURT. UPON COMPLETE BRIEFING AND COMPLETE REVIEW IT WILL BE PROVEN THAT ACTIONS, OR MORE ACCURATELY, IN ACTIONS OF COUNSEL IN NOT PRESENTING THESE ISSUES RESULTED IN DENIAL OF MY LIBERTY AND CONVICTION FOR CRIMES I HAD NO PART OF.

1
2 19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing
3 of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in
4 response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the
5 petition. Your response may not exceed five handwritten or typewritten pages in length.)
6

7 20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment
8 under attack? Yes No X.....
9 If yes, state what court and the case number:
10

11 21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on
12 direct appeal: CRAIG MVELLER, ESQ. LESTER M. PAREDES.....
13

14 22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under
15 attack? Yes No X.....
16 If yes, specify where and when it is to be served, if you know:
17

18 23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the
19 facts supporting each ground. If necessary you may attach pages stating additional grounds and facts
20 supporting same.
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COUNT ONE:

EVIDENCE OBTAINED WAS CONTRARY TO 5TH AMENDMENT AND 9TH CIRCUIT CONTROLLING PRECEDENT.

DURING A HOME^{VISIT} FROM CPS WITH MY CO-DEFENDANT WIFE (I WAS NOT PRESENT AS MY JOB WAS 100% TRAVEL) REGARDING FOSTER CHILDREN PLACED IN THE HOME, SHE WAS ASKED ABOUT THE LOCATION OF OUR 3 ADOPTED DAUGHTERS, WHO WERE NOT PRESENT, AND HAD NOT BEEN SINCE OCTOBER OF 2013. THE DATE OF THE VISIT WAS FEB. 27, 2014. SHE REFUSED THAT THEY WERE NOT THERE AND IT WAS NONE OF THEIR BUSINESS WHERE THEY WERE. OF SPECIAL NOTE WAS THAT WERE INVESTIGATIONS, ACTIVE COMPLAINTS, AND ANY PREVIOUS CASES WERE ALL CLOSED AS UNSUBSTANTIATED. SHE WAS THEN TOLD THAT THEY WOULD ATTEMPT TO FILE A MISSING PERSONS REPORT, WHICH THEY HAVE NO REASON, PROBABLE CAUSE OR AUTHORITY TO DO SO. SHE WAS ALSO INFORMED THAT WE COULD LOSE OUR ADOPTION SUBSIDY, WHICH IS NOT TRUE. SHE STILL REFUSED AND TOLD THEM TO LEAVE. A PHONE CALL WAS PLACED TO DETECTIVE HERNANDEZ OF METRO MISSING PERSONS WHO CONTACTED ME IN NORTH CAROLINA. I PROVIDED HIM THE LOCATION AND PHONE NUMBER OF THE GROUP HOME THEY WERE LIVING IN IN FLORIDA. INSTEAD OF CONTACTING THE HOME TO VERIFY, WHICH IS THE JOB OF MISSING PERSONS, HE IMMEDIATELY CALLED CRYSTAL ROSAS OF CPS, WHO INITIATED THE MISSING PERSONS REPORT, AND TOLD HER WHERE THEY WERE. SHE IN TURN IMMEDIATELY CALLED FLORIDA CPS TO FILE AN ILLEGAL REPORT WITH NO CAUSE OR AUTHORITY. THERE WAS NO COMPLAINT OR INVESTIGATION OF ANY KIND FILED ABOUT OUR GIRLS. THEY IN TURN (FLORIDA CPS) WENT TO THE GROUP HOME WITHOUT WARRANT, CAUSE OR VALID REASON AND TOOK THE GIRLS OUT OF THE HOME AND INTO CUSTODY CLAIMING EXCERPT CIRCUMSTANCES FOR THE REMOVAL. THIS IS AN EXTREMELY ABBREVIATED VERSION AND BARELY SCRATCHES THE

SURFACE AS TO ALL THE VIOLATIONS OF CONSTITUTIONAL LAW, 9TH CIRCUIT ON-POINT CASE LAW, ILLEGAL REMOVAL WITHOUT WARRANT OR CAUSE. IT SHOULD BE MENTIONED THAT THE GIRLS WERE OVER 2000 MALES AND IN NO WAY, AS BACKED UP BY MULTIPLE ON-POINT RULINGS, WAS THERE ANY EXIGENT CIRCUMSTANCES OR IMMEDIATE DANGER TO THE GIRLS. WITHOUT A VALID COMPLAINT, CPS HAS NO LEGAL RIGHT TO OVERREACH AND IS IN FACT BARRED FROM DOING SO BY BOTH THE CONSTITUTION AND MULTIPLE 9TH CIRCUIT AND US SUPREME COURT DECISIONS DIRECTLY ON POINT. ANY EVIDENCE FOUND OR GATHERED WAS DONE THROUGH ILLEGAL SEARCH AND SEIZURE, AND OTHER VIOLATIONS OF CONSTITUTIONAL RIGHTS. ANY EVIDENCE SO FOUND IS NOT ALLOWED TO BE USED AS WELL AS ANY FRUIT OF THAT POISONOUS TREE.

COUNT TWO:

ACTUAL INNOCENCE BASED ON BOTH PRUNES OF POSSIBILITY FOR ACTUAL INNOCENCE.

A) ACTUAL INNOCENCE DUE TO NOT BEING PROXIMATE TO LOCATION WHERE ALLEGED CRIMES COMMITTED

B) ACTUAL INNOCENCE DUE TO EVIDENCE COLLECTED WAS DONE SO ILLEGALLY AND NO JURY COULD POSSIBLY CONVICT WITH NO CASE TO PRESENT WITHOUT EVIDENCE

MY JOB INVOLVED 100% TRAVEL AND MY PRESENCE IN THE HOME WAS LIMITED TO A FEW DAYS EACH MONTH. VICTIM TESTIMONY AND TRAVEL RECORDS WILL PROVE THIS. NOT ONLY WAS IT NOT POSSIBLE TO COMMIT THE ALLEGED ACTS, I WAS NOT PRESENT TO EVEN WITNESS IT OCCURRING. AS REPORTED BY CPS IN INTERACTIONS WITH THE CHILDREN DURING FOSTER CHILDREN MONTHLY VISITS, NO CONCERNS OR ISSUES WERE REPORTED OR INVESTIGATED UP UNTIL THE TIME THE CHILDREN WERE TAKEN TO LIVE IN FLORIDA. IN ANY CASE I WAS PRESENT ONLY A FEW DAYS A MONTH AND THE VICTIMS TESTIFIED THAT EVERYTHING WAS FINE WHILE I WAS THERE AND I WAS NOT ABUSED TO THEM. THE FOLLOWING IS A MOOT POINT AS THE EVIDENCE WAS ILLEGALLY OBTAINED, BUT ALL E-MAILS AND PICTURES WERE SENT TO ME WHILE OUT OF TOWN, AND EXCEPT FOR 1 PICTURE, IN NO WAY SHOWED ABUSE. THAT PICTURE WAS EXPLAINED AS AN ACCIDENT WITH HOT WATER BEING TOO HOT IN THE SHOWER AND MEDICAL ATTENTION WAS RECEIVED AT THE HOSPITAL. IT SHOULD ESPECIALLY BE NOTED THAT I WAS FALSELY TOLD BY MY WIFE THAT SHE WAS A REGISTERED NURSE AND I WAS UNDER THAT IMPRESSION THE WHOLE TIME WE WERE MARRIED, SO IT GAVE ME NO REASON TO BELIEVE THAT MEDICAL CARE WAS OBTAINED. THAT TURNED OUT TO NOT BE THE CASE PER VICTIM TESTIMONY.

DUE TO NO PROXIMITY, ONE, AND EVIDENCE ILLEGALLY OBTAINED WOULD NEVER BE HEARD BY A JURY, ACTUAL INNOCENCE CAN BE PROVEN UNDER EITHER PRUNE

COUNT THREE:

THIS IS NOT A CO-DEFENDANT CASE AND SHOULD HAVE BEEN SEVERED.
THIS COUNT IS ALSO BE ADDRESSED IN COUNT SIX, INEFFECTIVE ASSISTANCE OF COUNSEL.

THE CULPABILITY OF CO-DEFENDANTS IN THIS CASE IS SO GROSSLY MISMATCHED
A PREJUDICIAL TO ME THAT THERE IS NO POSSIBLE TO SEPERATE OUT THE ACTS OF
THE CO-DEFENDANTS AND ANY CULPABILITY I MAY HAVE, IF ANY. AGAIN THIS IS
A MOOT POINT AS THE EVIDENCE WAS ILLEGALLY OBTAINED.

THE NEVADA SUPREME COURT AND THE 9TH CIRCUIT HAVE BOTH RULED THAT
PROXIMATE LOCATION IN SAME HOME DOES NOT MAKE ONE CULPABLE OR GUILTY
OF ANY WRONGDOING WHEN AN ALLEGED CRIME IS COMMITTED. THAT BEING THE CASE
WHEN UNDER THE SAME ROOF, IT CERTAINLY HOLDS TRUE WHERE 1000'S OF MILES
OF SEPERATION ARE INVOLVED. TO CHARGE ME WITH ANY OF THE CRIMES ALLEGED
TO HAVE BEEN COMMITTED BY A CO-DEFENDANT IS NOT ONLY CONTRARY TO HIGH
COURT RULINGS, IT ALSO PLACES UNDOE PREJUDICE ON ME. EVEN IF THE CASE
WERE THAT I WERE TO HAVE ANY KNOWLEDGE OF ACTS COMMITTED, NEVADA
STATUTE SPECIFICALLY EXCLUDES ANY DUTY TO REPORT AGAINST BLOOD RELATIVES.

THE FACT THAT ALL EMAILS AND PICTURES WERE SENT TO ME WHEN I WAS OUT
OF TOWN IS PRIMA FACIE PROOF THAT I WAS NOT PRESENT, OR WHY WOULD E-MAILS
BE SENT TO ME. TIME AND DATE STAMPS WILL PROVE MY LOCATION ALONG WITH
TRAVEL RECEIPTS. THERE IS SUCH A HUGE DIVIDE BETWEEN ANY POSSIBLE CULPABILITY
OF MINE VS. THE CO-DEFENDANTS, THAT ANY TRIALS NOT SEVERED WOULD SERVE
TO PLACE BOTH HARMFUL ERROR AND GROSS PREJUDICE AGAINST ME.

COUNT FOUR:

THE ALLEGATIONS OF SUBSTANTIAL BODILY HARM ARE NOT IN ANY WAY
CONSISTENT ^{WITH} OR MEET THE STATUTORY DEFINITIONS OF SUBSTANTIAL BODILY HARM.

THE CLAIM OF SUBSTANTIAL BODILY HARM IS NOT SUPPORTED BY THE STATUTES
AND SPECIFICALLY THE DEFINITION IN THE CHILD ABUSE STATUTES, WHICH IS DIFFERENT
FROM OTHER COMMON ASSUMPTIONS. THE SAME EXAMINATIONS DID NOT BARE ANY
CONCLUSIVE FINDINGS THAT ABUSE HAD OCCURRED THAT COULD BE ATTRIBUTED TO
ME. MARKINGS THAT FOUND BY PRESENCE OF SCARRING COULD NOT BE AGED, NOR
COULD ANY CONCLUSIVE RESULT BE FOUND AS TO WHAT CAUSED THEM. THERE ARE
PRIOR CPS REPORTS ON OTHER CAREGIVERS THAT HIT THE VICTIMS IN THE SAME
LOCATIONS ALLEGED TO BE CAUSED IN THIS CASE. THE MARKINGS IN THE REPORT
AND PICTURES TAKEN ARE BARELY VISIBLE TO THE NAKED EYE. IN NO WAY DOES
THAT RISE TO THE LEVEL GIVEN IN THE STATUTORY DEFINITION OF SUBSTANTIAL
BODILY HARM.

FURTHERMORE, THE INFORMATION, WHICH AGAIN IS BASED ON ILLEGALLY OBTAINED
EVIDENCE SO THIS IS A MOOT POINT, ONLY USED LANGUAGE OF PERMITS/ALLOWED
AND NEVER ALLEGED ANY DIRECT ACTS BY ME, WHICH BY IT'S DEFINITION CAN NOT
CAUSE HARM. COUPLED WITH NO PROXIMATE LOCATION AND NO KNOWLEDGE OF
ANY ABUSE AND IT INVALIDATES I CAUSED SUBSTANTIAL BODILY HARM. THE 9TH
CIRCUIT HAS RULED DIRECTLY ON POINT OF THIS ISSUE IN FAVOR OF MY POSITION.
THIS RESULTED IN OVERCHARGING WAY ABOVE WHAT THE STATUTE ALLOWS AND HAS
RESULTED IN INCARCERATION THAT IS NOT PERMITTED BY STATUTE.

COUNT FIVE:

UNSUPPORTED JUDICIAL FACT FINDING

COMMENTS MADE ON THE RECORD DURING PRE-TRIAL MOTION HEARINGS, DURING AND AFTER SENTENCING BY THE DISTRICT COURT JUDGE ARE UNSUPPORTED BY THE RECORD OR EVIDENCE PRESENTED. DUE TO EVIDENCE OBTAINED AND PRESENTED ILLEGALLY THIS POINT IS MOOT. COMMENTS FROM THE BENCH "COURT FEELS", "COURT THINKS", ETC. WERE MADE ALL THROUGHOUT PROCEEDINGS. THE 9TH CIRCUIT HAS ESTABLISHED PRECEDENT AS TO WHAT JUDGES CAN AND CANNOT DETERMINE AND IT MUST BE FACTUALLY SUPPORTED FROM FACTUAL RECORD. IN THIS CASE COMMENTS CANNOT BE SUPPORTED BY THE RECORD.

COUNT SIX:

INEFFECTIVE ASSISTANCE OF COUNSEL

- A) DIRECT APPEAL/INCOMPLETE AND DID NOT ADDRESS ISSUES
- B) NO INVESTIGATION OF CHARGES AND ALLEGATIONS
- C) FORCED INTO 11TH HOUR PLEA DEAL, REJECTED 1ST PLEA DEAL OFFER
- D) SEVERANCE NOT PURSUED AFTER FACTS OF CASE BECAME KNOWN
- E) DID NOT INVESTIGATE AND PURSUE EVIDENCE ISSUES AND WARRANT ISSUES
- F) DID NOT FOLLOW UP ON COURT-ORDERED DISCOVERY FROM PROSECUTION THAT IS EXCURPATORY

A) DIRECT APPEAL DID NOT ADDRESS ISSUES AND THE RECORD WILL SHOW WAS RIDDLED WITH ERRORS, SANCTIONS, ORDERS TO FILE DOCUMENTS, EXTENSIONS, MISSED DEADLINES AND A DEFICIENT REPLY BRIEF NOT CORRECTED AND RE-FILED. APPEAL WAS ADJUDICATED ON INCOMPLETE INFORMATION, BRIEFING, AND EVIDENCE.

B) NO INVESTIGATIONS WERE MADE/IN REGARDS TO VICTIMS PRIOR HISTORY, THE WITNESSES INTERVIEWED, THE MEDICAL PROVIDERS, SAME REPORT, VICTIM STATEMENTS, FURTHER, NO FOLLOW-UP WAS MADE/IN REGARDS TO THE MISSING PERSONS REPORT BEING FILED AND THE FLORIDA CPS INVESTIGATION, THE REPORTS THAT LEAD TO THE FLORIDA CPS INVESTIGATION, AND THE REPORT FILED TO METRO IN REGARDS TO MISSING PERSONS. ALL THIS IS EXCURPATORY. THE COURT ORDERED IT TURNED OVER AND IT NEVER WAS.

C) DUE TO INATTENTION AND "11TH HOUR" NEGOTIATIONS TO SETTLE THE CASE OR GO TO TRIAL THE NEXT DAY, THE ONLY OPTION WAS TO ACCEPT A DEAL OR GO TO TRIAL UNDER EXTREMELY PREJUDICIAL AND ADVERSE CONDITIONS WITH A CO-DEFENDANT FACING OVERWHELMING EVIDENCE HERE, EVEN THOUGH OBTAINED

ILLEGALLY. THERE WAS NO TRIAL PREPERATION MADE OF ANY KIND AND TRIAL WAS NOT AN OPTION BECAUSE OF THAT FACT. THERE WERE NO WITNESSES CONTACTED FOR TESTIMONY, EVIDENTIARY ISSUES WERE NOT SETTLED, AND OVERALL NOT A SINGLE ITEM WAS PREPARED FOR A TRIAL OF THIS MAGNITUDE, LET ALONE ANY TRIAL. IT IS OF PARTICULAR NOTE THAT A PLEA DEAL WAS INITIALLY OFFERED THAT I NEVER HAD AN OPPORTUNITY TO ACCEPT AS I WAS TOLD I WOULD NEED TO TESTIFY. THAT WAS NOT AN ISSUE TO ME AND HAD I READ THE DEAL I WOULD HAVE AGREED TO IT. INSTEAD IT WAS REJECTED AND NEGOTIATIONS FELL APART RESULTING IN THE INSTANT DEAL WHICH IS EXTREMELY LESS FAVORABLE.

BEFORE, petitioner prays that the court grant petitioner relief to which petitioner may be entitled in this proceeding.

EXECUTED at High Desert State Prison on the 9 day of the month of DEC, 2020.

[Signature] 1200038

High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

VERIFICATION

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

[Signature] 1200038

High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

AFFIRMATION (Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the preceeding PETITION FOR WRIT OF HABEAS CORPUS filed in District Court Case Number 5-14-299737-1 Does not contain the social security number of any person.

[Signature] 1200038

High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

CERTIFICATE OF SERVICE BY MAIL

I, DWIGHT SOLANDER, hereby certify pursuant to N.R.C.P. 5(b), that on this 9 day of the month of DECEMBER, 2020, I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS addressed to:

Warden High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070

Attorney General of Nevada
100 North Carson Street
Carson City, Nevada 89701

Clark County District Attorney's Office
200 Lewis Avenue
Las Vegas, Nevada 89155

[Signature] 1200038

High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

* Print your name and NDOC back number and sign

-15-

SOLANDER 1200038
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K DISTRICT COURT
AVE - 3RD FLOOR
NV 89155



1 PPOW

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

5 Dwight Solander,

6 Petitioner,

7 vs.

8 Jeremy Bean, Warden HDSP,

9 Respondent,

Case No: A-20-815535-W
Department 15

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

10
11 Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on
12 January 05, 2021. The Court has reviewed the Petition and has determined that a response would assist
13 the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and
14 good cause appearing therefore,

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

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

19 Calendar on the 9th day of March, 2021, at the hour of

20
21 8:30 am

_____ o'clock for further proceedings.

Dated this 6th day of January, 2021

22
23 
24

25 District Court Judge
26 91B 102 8C8F 518E
27 Joe Hardy
28 District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Dwight Solander, Plaintiff(s) | CASE NO: A-20-815535-W
7 vs. | DEPT. NO. Department 15
8 Jeremy Bean, Warden HDSP,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

16 Service Date: 1/6/2021

17 Marsha Landreth | mlandreth@ag.nv.gov
18 Rikki Garate | rgarate@ag.nv.gov
19 Katrina Samuels | KSamuels@ag.nv.gov
20 Cheryl Martinez | cjmartinez@ag.nv.gov

21 If indicated below, a copy of the above mentioned filings were also served by mail
22 via United States Postal Service, postage prepaid, to the parties listed below at their last
23 known addresses on 1/7/2021

24 Dwight Solander | #1200038
25 | P.O. Box 650
26 | Indian Springs, NV, 89070
27 Katrina Samuels | 1002 Pearl Peak ST
28 | Las Vegas, NV, 89110



MOT
AARON D. FORD
Attorney General
Katrina A. Samuels (Bar No. 13394)
Deputy Attorney General
State of Nevada
Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101-1068
(702) 486-3770 (phone)
(702) 486-2377 (fax)
KSamuels@ag.nv.gov
Attorneys for Respondents

DISTRICT COURT
CLARK COUNTY, NEVADA

DWIGHT SOLANDER,
Petitioner,

vs.

JEREMY BEAN, WARDEN HDSP,
Respondents.

Case No. A-20-815535-W
Dept. No. XV

Date of Hearing: 03/09/2021
Time of Hearing: 8:30 a.m.

MOTION TO TRANSFER PETITION FOR WRIT OF HABEAS CORPUS

Respondents oppose Petitioner Dwight Solander's *Petition for Writ of Habeas Corpus (Post-Conviction)* filed on January 5, 2021. Respondents move to transfer the petition from Department 15, as the petition is not a time challenge, and should be responded to by the Clark County District Attorney's Office rather than the Nevada Attorney General's Office.

DATED this 1st day of February 2021.

AARON D. FORD
Attorney General

By: /s/ Katrina A. Samuels
Katrina A. Samuels
Deputy Attorney General

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Dwight Solander is currently incarcerated at High Desert State Prison in Indian Springs, Nevada.
3 He is serving a sentence for three counts of Child Abuse, Neglect or Endangerment Resulting in
4 Substantial Bodily Harm. The Eighth Judicial District Court sentenced Solander to three concurrent
5 terms of one hundred twenty months incarceration with minimum parole eligibility after thirty-six
6 months.

7 On May 27, 2020, Solander filed a Petition for Writ of Habeas Corpus (Post-Conviction) in Case
8 No. *A-20-815535-W* that was denied by the state district court. On November 5, 2020, Brown filed a
9 Notice of Appeal, appealing the denial of his state habeas relief in Case No. *A-20-815535-W* to the
10 Nevada Supreme Court. While his appeal is still pending, Solander has since filed a second Petition for
11 Writ of Habeas Corpus (Post-Conviction) in the instant matter that is also under the same case number
12 as his first Petition. Since Solander has elected to file a subsequent Petition under a case that is already
13 on appeal, this matter should be stayed pending a decision from the Nevada Supreme Court pursuant to
14 NRS 177.085.

15 However, to the extent this Court interprets the petition as a new matter rather than an extension
16 of the previous case, Solander's Petition should be transferred since it is not a time challenge petition.
17 In Solander's second Petition he claims ineffective assistance of counsel, actual innocence, insufficiency
18 of evidence, and various illegal search and seizure allegations. Since Solander is challenging his
19 conviction and sentence due to the alleged ineffective assistance of his counsel, NRS 34.730, NRS
20 34.738 and NRS 34.745 apply.

21 A petition that challenges the validity of a conviction or sentence must be filed with the clerk of
22 the district court for the county in which the conviction occurred. NRS 34.738(1). Whenever possible,
23 the petition should be assigned to the original judge or court. NRS 34.730(3)(b). Solander was originally
24 prosecuted by the Clark County District Attorney under Case No. *C-14-299737-1* and assigned to
25 Department 21. Thus, this matter should be reassigned to Department 21 in keeping with NRS 34.730,
26 with an order directed to the Clark County District Attorney's Office to respond to the petition as required
27 under NRS 34.745(1).

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CONCLUSION

This Court should transfer Solander’s *Petition for Writ of Habeas Corpus (Post-Conviction)* to the appropriate department for disposition.

Respectfully submitted this 1st day of February 2021.

AARON D. FORD
Attorney General

By: /s/ Katrina A. Samuels
Katrina A. Samuels
Deputy Attorney General

AFFIRMATION
(Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the foregoing document does not contain the social security number of any person.

Dated this 1st day of February 2021.

AARON D. FORD
Attorney General

By: /s/ Katrina A. Samuels
Katrina A. Samuels
Deputy Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Motion to Transfer Petition for Writ of Habeas Corpus* with the Clerk of the Court by using the electronic filing system on the 1st day of February 2021.

I certify that some of the participants in the case are not registered as electronic filing system users. I will cause the foregoing document to be mailed by First-Class Mail, postage prepaid, or have dispatched it to a third-party commercial carrier for delivery on or about February 2, 2021 to the following non e-file participants:

Dwight Solander, #1200038
c/o High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070-0650

/s/ M. Landreth
An employee of the Office of the Attorney General

DWIGHT SOLANDER 1200058
Box 650 HDSP
INDIAN SPRINGS, NV 89070
IN PRO PER

Electronically Filed
02/08/2021

Heather J. Smith
CLERK OF THE COURT

27

8TH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

DWIGHT SOLANDER

PETITIONER

CASE: A-20-8/5535W

V

DEPT: 15

JEREMY BEAN, WARDEN HDSP

RESPONDENT

MOTION FOR LEAVE OF COURT TO

COMPLETE AND FILE LEGAL BRIEF IN

HEARING REQUESTED

SUPPORT OF WRIT OF HABEAS CORPUS

COMES NOW PETITIONER, DWIGHT SOLANDER, AND MOVES THIS

COURT FOR LEAVE IN THE ABOVE REFERENCED CASE UNTIL

MAY 20, 2021 IN ORDER THAT A LEGAL BRIEF IN SUPPORT OF

THE PETITION FOR WRIT OF HABEAS CORPUS MAY BE PROPERLY COMPLETED

AND FILED.

DUE TO COVID RESTRICTIONS, THE LAW LIBRARY AT HDSP HAS

NOT BEEN AVAILABLE SINCE MARCH OF 2020 FOR RESEARCH

AND ACCESS TO CASE LAW. THIS IS MAKING LEGAL WORK NEARLY

IMPOSSIBLE TO COMPLETE IN A REASONABLE TIMEFRAME.

PETITIONER ^{HAS} CASE FILES, DISCOVERY, LEGAL DOCUMENTS, AND OTHER

FILES RELATED TO THIS CASE THAT BACK UP AND PROVE ALL ALLEGATIONS

MADE IN THE PETITION BY WAY OF INFORMATION AND BELIEF. THIS IS IN

ADDITION TO THE LIMITED LEGAL RESEARCH AND CASE FILES IN IMMEDIATE

POSSESSION OF PETITIONER. OTHER MATERIALS WOULD BE ACCESSIBLE

TO PETITIONER UNTIL FEB. 20, 2021.

FEB - 1 2021

CLERK OF THE COURT

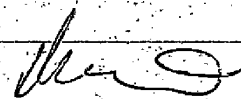
1 OF 4

WITHOUT TIME TO PROPERLY RESEARCH, ORGANIZE, PREPARE, AND
FILE A PROPER LEGAL BRIEF, PETITIONER WILL BE EXTREMELY
PRESUDICED IN PROVING HIS ALLEGATIONS, WHICH WILL RESULT IN A
MISCARRIAGE OF JUSTICE.

PETITIONER HAS NO OTHER MEANS TO PROPERLY PREPARE HIS
LEGAL BRIEF TO PROVE HIS ALLEGATIONS AND PRESENT IRREFUTABLE
EVIDENCE HE HAS BEEN AND IS UNLAWFULLY DETAINED AND DENIED
LIBERTY.

IN LIGHT OF THE FOREGOING, PETITIONER REQUESTS THIS COURT
GRANT HIS MOTION FOR LEAVE IN ORDER THAT A PROPER BRIEF MAY
BE PREPARED AND FILED.

SUBMITTED THIS 20 DAY OF JANUARY, 2021 BY:



DWIGHT SOLANDER 1200038

BOX 650 HDSP

INDIAN SPRINGS, NV 89076

IN PRO PER

MEMORANDUM OK POINTS AND AUTHORIZES IN
SUPPORT OK MOTION FOR LEAVE TO FILE BRIEF

NRS 34.370(4) AND NRS 34.760(2) STATE THAT HABEAS
PETITIONS MUST BE SUPPORTED BY AFFIDAVITS, RECORDS, TRANSCRIPTS,
OR OTHER RELEVANT EVIDENCE.

THE NEVADA SUPREME COURT IN HARGROVE V STATE, 100 NEV 498 [1984]
STATED THAT "PETITIONS AND MOTIONS WHICH ARE NOT SUPPORTED BY
SUCH EVIDENCE RENDER THE CLAIMS THEREIN TO BE BARE AND NAKED
ALLEGATIONS, UNSUPPORTED BY THE RECORD AND MERITING DISMISSAL."

IN GRIFFIN V STATE, 122 NEV 737 THE COURT AGAIN STATED THAT
"DEFENDANT MUST SUPPORT HIS CLAIMS WITH 'SPECIFIC FACTS' DEMONSTRATING
ENTITLEMENT TO RELIEF SOUGHT."

IN BERJAND V WARDEN, 112 NEV 1466 [1996], THE COURT SAID THAT
"DEFENDANT BEARS THE BURDEN OF ESTABLISHING FACTUAL ALLEGATIONS IN
SUPPORT OF HIS CLAIMS."

ON FEB. 24TH, 2020, PETITIONER FILED A MOTION FOR THE PRODUCTION
OF TRANSCRIPTS AND OTHER DOCUMENTS AT STATE EXPENSE, WHICH WAS
GRANT IN ITS ENTIRETY WITHOUT OPPOSITION BY THE COURT OR THE
STATE. AFTER 8 MONTHS OF REPEATED MALICIOUS AND BARRICIOUS
DENIALS BY THE COURT TO ENFORCE IT'S OWN ORDER, PETITIONER
WAS DELIVERED IN PART SOME OF THE TRANSCRIPTS AND DOCUMENTS
ORDERED BY THE COURT. THE DOCUMENTS THE COURT CONTINUOUSLY
REFUSES TO PROVIDE ARE CRITICAL TO PROVE PETITIONER'S ALLEGATIONS.
DUE TO THE COURT'S REFUSAL TO ENFORCE IT'S ORDER, PETITIONER HAS FILED
A WRIT OF MANDAMUS PETITION WITH THE NV SUPREME COURT TO HAVE
THE ORDER ENFORCED.

1 PETITIONER'S FORMER COUNSEL HAS REFUSED TO SEND PETITIONER
2 HIS FILE REGARDING THE DIRECT APPEAL FILED AFTER SENTENCING. THESE
3 CASE FILES ARE ALSO CRITICAL TO PROVE THE ALLEGATIONS OF THE
4 PETITION. A MOTION TO ORDER COUNSEL TO PROVIDE THIS FILE TO
5 PETITIONER WAS FILED WITH THIS COURT ON 1-6-2021 AFTER
6 COUNSEL REFUSED LETTER BY RETURNING UNOPENED WITH HANDWRITING
7 ON ENVELOPE "RETURN TO SENDER".

8 UNTIL THE BALANCE OF TRANSCRIPTS AND DOCUMENTS THAT THE
9 COURT REFUSES TO DELIVER TO PETITIONER, DESPITE HIS OWN ORDER TO
10 DO SO, AND FORMER COUNSEL TURNS OVER THE DIRECT APPEAL FILE
11 IN COMPLIANCE WITH NEVADA STATUTE, WHICH HE REFUSES TO DO, AND AN
12 ORDER FROM THE COURT IS ISSUED TO DO SO, CRITICAL DOCUMENTS AND
13 TRANSCRIPTS LEGALLY ENTITLED TO BE PROVIDED TO PETITIONER BY COURT
14 ORDER GRANTED AND SIGNED 3-17-20 ARE DELIVERED TO PETITIONER, A PROPER
15 LEGAL BRIEF TO PROVE ALLEGATIONS IN PETITION CANNOT BE PREPARED
16 AND FILED. PETITIONER HAS BEEN ATTEMPTING TO HAVE THESE DOCUMENTS
17 PROVIDED BEGINNING 2-24-2020 WITHOUT RESULT.

18 WHEREFORE, IN THE INTEREST OF JUSTICE AND IN ORDER TO PREVENT
19 DENIAL OF RIGHTFUL DUE PROCESS, LEAVE OF COURT SHOULD BE GRANTED
20 TO ALLOW PETITIONER TO PREPARE AND FILE A PROPER LEGAL BRIEF.

21

22

23 SUBMITTED THIS 20 DAY OF JANUARY, 2021 BY


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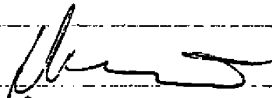


DWIGHT SOLANDER, PETITIONER

CERTIFICATE OF SERVICE BY MAIL

I, DWIGHT SOLANDER, HEREBY CERTIFY PURSUANT TO NRCP 5(B) THAT ON THIS 20 DAY OF JANUARY, 2021, I MAILED A TRUE AND CORRECT COPY OF THE FOREGOING MOTION FOR LEAVE OF COURT ADDRESSED TO:

ATTORNEY GENERAL OF NEVADA
100 N CARSON ST.
CARSON CITY, NV 89701

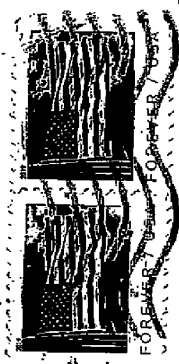


DWIGHT SOLANDER 1200038
BOX 650 HDSP
INDIAN SPRINGS, NV 89070

SOLANDER 1200038
Box 650
89070

LAS VEGAS NV 890

28 JAN 2021 PM 4 L



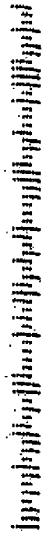
CLERK OF DISTRICT COURT
200 LEWIS AVE 3RD FLOOR
LAS VEGAS, NV 89155

RECEIVED

FEB - 1 2021

CLERK OF THE COURT

89101-630000



HIGH DESERT STATE PRISON

JAN 27 2021

UNIT 10



**DISTRICT COURT
CLARK COUNTY, NEVADA

Dwight Solander, Plaintiff(s)	Case No.: A-20-815535-W
vs.	
Jeremy Bean, Warden HDSP, Defendant(s)	Department 15

NOTICE OF HEARING

Please be advised that the Plaintiffs - Motion for Leave of Court to Complete and File Legal Brief in Support of Writ of Habeas Corpus in the above-entitled matter is set for hearing as follows:

Date: March 16, 2021
Time: 8:30 AM
Location: RJC Courtroom 11D
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

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

CERTIFICATE OF SERVICE

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

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

8TH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

DWIGHT SOLANDER

PETITIONER

V

JEREMY BEANS, WARDEN HDSP

RESPONDENT

CASE: A-20-815535W

DEPT 115

ORDER

UPON GOOD CAUSE SHOWN, IT IS THE ORDER OF THIS
COURT THAT PETITIONER, DWIGHT SOLANDER, IS GRANTED
LEAVE OF COURT IN ORDER THAT A PROPER LEGAL BRIEF
MAY BE PREPARED AND FILED, UNTIL MAY 20, 2021.

SO ORDERED

DATED THIS _____ DAY OF _____, 2021

RECEIVED

FEB - 1 2021

CLERK OF THE COURT

DISTRICT COURT JUDGE

IN THE SUPREME COURT OF THE STATE OF NEVADA

DWIGHT CONRAD SOLANDER,
Appellant,
vs.
JEREMY BEAN, WARDEN HDSP,
Respondent.

Supreme Court No. 82082
District Court Case No. A815535; G299737

FILED

MAY 25 2021

Elizabeth A. Brown
CLERK OF COURT

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDERS this appeal DISMISSED."

Judgment, as quoted above, entered this 23rd day of April, 2021.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
May 19, 2021.

Elizabeth A. Brown, Supreme Court Clerk

By: Rory Wunsch
Deputy Clerk

A-20-015535-W
CCJD
NV Supreme Court Clerk's Certificate/Judge
4965596



IN THE SUPREME COURT OF THE STATE OF NEVADA

DWIGHT CONRAD SOLANDER,
Appellant,
vs.
JEREMY BEAN, WARDEN HDSP,
Respondent.

No. 82082

FILED

APR 23 2021

ELIZABETH A. BROWN
CLERK OF THE SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order denying a postconviction petition for a writ of habeas corpus.

In response to an order of this court, the Attorney General advises that appellant has been released on parole. Thus, this appeal is moot. *See Williams v. State, Dep't of Corr.*, 133 Nev. 594, 600 n.7, 402 P.3d 1260, 1265 n.7 (2017) (providing that when considering the computation of sentence credits that would make an inmate eligible for parole, "no relief can be afforded where the offender has already expired the sentence or appeared before the parole board on the sentence" (internal citation omitted)). Accordingly, this court

ORDERS this appeal DISMISSED.¹

[Signature], J.
Cadish

[Signature], J.
Pickering

[Signature], J.
Herndon

¹Given this order, appellant's motion for an extension of time to file an opening brief is denied as moot.

Supreme Court
of
Nevada

(IN 1997A)

21-11706

cc: Chief Judge, Eighth Judicial District Court
Eighth Judicial District Court, Department 21
Dwight Conrad Solander
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

DWIGHT CONRAD SOLANDER,
Appellant,
vs.
JEREMY BEAN, WARDEN HDSP,
Respondent.

Supreme Court No. 82082
District Court Case No. A815535; ~~0299797~~

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: May 19, 2021

Elizabeth A. Brown, Clerk of Court

By: Rory Wunsch
Deputy Clerk

cc (without enclosures):
Chief Judge, Eighth Judicial District Court
Dwight Conrad Solander
Attorney General/Las Vegas

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on MAY 25 2021.

HEATHER UNGERMANN
Deputy District Court Clerk

RECEIVED
APPEALS

MAY 25 2021

CLERK OF THE COURT

1 **OSC**

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

5 DWIGHT SOLANDER,)
6) CASE NO. A-20-815535-W
7 Plaintiff(s),) DEPT NO. XV
8 v.)
9 JEREMY BEAN, et al.,)
10 Defendant(s).)

ORDER TO SHOW CAUSE

11 TO: Counsel/Parties,

12
13 YOU ARE HEREBY ORDERED TO APPEAR in District Court, Department XV, Regional
14 Justice Center, on **July 7, 2021, at 9:00 a.m.**, and show cause why this case should not be dismissed
15 for the parties' failure to submit the Order regarding the Petition for Writ of Habeas Corpus.

16 If the proper documentation is filed prior to the hearing date, counsel does not need to appear
17 and the matter will be taken off calendar.

Dated this 1st day of June, 2021

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22 **768 160 A95C BD01**
23 **Joe Hardy**
24 **District Court Judge**
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1 **CSERV**

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3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Dwight Solander, Plaintiff(s) CASE NO: A-20-815535-W
7 vs. DEPT. NO. Department 15
8 Jeremy Bean, Warden HDSP,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 6/1/2021

16 Marsha Landreth mlandreth@ag.nv.gov
17 Rikki Garate rgarate@ag.nv.gov
18 Katrina Samuels KSamuels@ag.nv.gov
19 Cheryl Martinez cjmartinez@ag.nv.gov
20 Lucas Combs ljcombs@ag.nv.gov

21
22 If indicated below, a copy of the above mentioned filings were also served by mail
23 via United States Postal Service, postage prepaid, to the parties listed below at their last
24 known addresses on 6/2/2021

25 Dwight Solander 700 Elm ST #29
26 Boulder City, NV, 89005
27
28

1 **DAO**

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

5 DWIGHT SOLANDER,

Case No. A-20-815535-W

6 Petitioner,

Dept. No. XV

7 vs.

8 JEREMY BEAN,

9 Respondents.

10
11 **ORDER FROM THE HEARING OF MARCH 9, 2021**

12 THIS CAUSE came before the Honorable Joe Hardy on March 9, 2021, for a hearing of Petitioner
13 Dwight Solander's ("Mr. Solander") Petition for Writ of Habeas Corpus (Post-Conviction) ("Petition")
14 filed on January 5, 2021. Respondents filed a Motion to Transfer Mr. Solander's Petition for Writ of
15 Habeas Corpus on February 1, 2021. Deputy Attorney General Katrina A. Samuels appeared on behalf
16 of Respondents and Mr. Solander was present. The Court entertained oral argument and made its decision
17 based upon the arguments and pleadings.

18 THE COURT FINDS that on May 27, 2020, Mr. Solander initially filed a time challenge Petition
19 for Writ of Habeas Corpus (Post-Conviction) in Case No. A-20-815535-W that was denied by the state
20 district court. On November 5, 2020, Mr. Solander filed a Notice of Appeal, appealing the denial of his
21 time challenge Petition in Case No. A-20-815535-W to the Nevada Supreme Court. While his appeal was
22 still pending, Mr. Solander then filed a second Petition for Writ of Habeas Corpus (Post-Conviction) in
23 the instant matter that is also under the same case number as his first Petition.


24 THE COURT FURTHER FINDS that in Mr. Solander's second Petition, he claims ineffective
25 assistance of counsel, actual innocence, insufficiency of evidence, and various illegal search and seizure
26 allegations. Because Mr. Solander's second Petition challenges the validity of his conviction and sentence
27 and is not a time challenge petition, this Court interprets Mr. Solander's second petition as a new matter
28 rather than an extension of the previous case. Since Mr. Solander is challenging his conviction and

1 sentence due to the alleged ineffective assistance of his counsel, NRS 34.730, NRS 34.738 and NRS
2 34.745 apply.

3 WHEREFORE THE COURT CONCLUDES that a petition that challenges the validity of a
4 conviction or sentence must be filed with the clerk of the district court for the county in which the
5 conviction occurred. NRS 34.738(1). Whenever possible, the petition should be assigned to the original
6 judge or court. NRS 34.730(3)(b). Mr. Solander was originally prosecuted by the Clark County District
7 Attorney under Case No. *C-14-299737-1* and assigned to Department 21. Therefore, Mr. Solander's
8 second Petition will be transferred to Case No. *C-14-299737-1* and reassigned to Department 21 in
9 keeping with NRS 34.730, with an order directed to the Clark County District Attorney's Office to
10 respond to the second petition as required under NRS 34.745(1).

11 THEREFORE, IT IS HEREBY ORDERED that Mr. Solander's Petition for Writ of Habeas
12 Corpus be transferred to Department 21 for final disposition.

13 IT IS SO ORDERED this _____ day of _____ **Dated this 2nd²⁰²¹ day of June, 2021**

14 
15 _____
16 The Honorable Joe Hardy
District Court Judge

17 Submitted by:

18 AARON D. FORD
19 Attorney General

638 F64 E8FF 6F87
Joe Hardy
District Court Judge

20 /s/ Katrina Samuels
21 Katrina A. Samuels (Bar No. 13394)
22 Deputy Attorney General
23
24
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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Dwight Solander, Plaintiff(s) | CASE NO: A-20-815535-W
7 vs. | DEPT. NO. Department 15
8 Jeremy Bean, Warden HDSP,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 6/2/2021

16 Marsha Landreth	mlandreth@ag.nv.gov
17 Rikki Garate	rgarate@ag.nv.gov
18 Katrina Samuels	KSamuels@ag.nv.gov
19 Cheryl Martinez	cjmartinez@ag.nv.gov
20 Lucas Combs	ljcombs@ag.nv.gov



DISTRICT COURT
CLARK COUNTY, NEVADA

DWIGHT SOLANDER, PLAINTIFF(S)
VS.
JEREMY BEAN, WARDEN HDSP,
DEFENDANT(S)

Case No.: A-20-815535-W

DEPARTMENT 21

NOTICE OF DEPARTMENT REASSIGNMENT

NOTICE IS HEREBY GIVEN that the above-entitled action has been reassigned to Judge Tara Clark Newberry.

☒ This reassignment is due to: Order dated 6/2/21

ANY TRIAL DATE AND ASSOCIATED TRIAL HEARINGS STAND BUT MAY BE RESET BY THE NEW DEPARTMENT. PLEASE INCLUDE THE NEW DEPARTMENT NUMBER ON ALL FUTURE FILINGS.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Heather Kordenbrock

Heather Kordenbrock, Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that this 4th day of June, 2021

☒ The foregoing Notice of Department Reassignment was electronically served to all registered parties for case number A-20-815535-W.

☒ I mailed, via first-class, postage fully prepaid, the foregoing Clerk of the Court, Notice of Department Reassignment to:

Dwight Solander
700 Elm ST #29
Boulder City NV 89005

/s/ Heather Kordenbrock

Heather Kordenbrock, Deputy Clerk of the Court

1 PPOW

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

5 Dwight Solander,

6 Petitioner,

7 vs.

8 Jeremy Bean, Warden HDSP,

9 Respondent,

Case No: A-20-815535-W
Department 21

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

10
11 Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on
12 January 05, 2021. The Court has reviewed the Petition and has determined that a response would assist
13 the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and
14 good cause appearing therefore,

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

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

19 Calendar on the 12th day of AUGUST, 2021, at the hour of

20
21 1:30 o'clock for further proceedings.

22
23 Dated this 7th day of June, 2021

24 

25 District Court Judge

26 **E19 EB2 ABF9 58E8**
27 **Tara Clark Newberry**
28 **District Court Judge**

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Dwight Solander, Plaintiff(s) CASE NO: A-20-815535-W
7 vs. DEPT. NO. Department 21
8 Jeremy Bean, Warden HDSP,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

Service Date: 6/7/2021

16 Marsha Landreth mlandreth@ag.nv.gov
17 Rikki Garate rgarate@ag.nv.gov
18 Katrina Samuels KSamuels@ag.nv.gov
19 Cheryl Martinez cjmartinez@ag.nv.gov
20 Lucas Combs ljcombs@ag.nv.gov
21

22 If indicated below, a copy of the above mentioned filings were also served by mail
23 via United States Postal Service, postage prepaid, to the parties listed below at their last
24 known addresses on 6/8/2021

25 Dwight Solander 700 Elm ST #29
26 Boulder City, NV, 89005
27
28



1 RSPN
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JONATHAN VANBOSKERCK
6 Deputy District Attorney
7 Nevada Bar #06528
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 DWIGHT CONRAD SOLANDER,
13 #3074262,
14 Defendant.

CASE NO: A-20-815535-W

DEPT NO: XXI

15 STATE'S RESPONSE TO DEFENDANT'S
16 PETITION FOR WRIT OF HABEAS CORPUS
(POST-CONVICTION)

17 DATE OF HEARING: August 12, 2021
18 TIME OF HEARING: 1:30 p.m.

19 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
20 District Attorney, through JONATHAN VANBOSKERCK, Chief Deputy District Attorney,
21 and hereby submits the attached Points and Authorities in support its Opposition to
22 Defendant's Petition for Writ of Habeas Corpus (Post-Conviction).

23 This Opposition is made and based upon all the papers and pleadings on file herein, the
24 attached points and authorities in support hereof, and oral argument at the time of hearing, if
25 deemed necessary by this Honorable Court.

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1 **POINTS AND AUTHORITIES**

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

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

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

11 On January 5, 2021, Petitioner filed another Petition for Writ of Habeas Corpus (Post-
12 Conviction) (his "instant Petition"). On February 8, 2021, Petitioner filed a Motion for Leave
13 of Court to Complete and File Legal Brief in Support of Writ of Habeas Corpus (his "Motion
14 for Leave").

15 STATEMENT OF FACTS

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

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

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

28 The victims related further that Janet had a timer, and they were not allowed to
use the bathroom until the timer went off. This caused the girls to have trouble
using the bathroom and made their stomachs hurt. If the girls had bathroom
accidents, they were not allowed to eat for days. Janet blended their food, and
they did not know what they were eating. If the victims got in trouble, they had
to sit on a bucket with a toilet seat on top for hours at a time. If they got into

1 trouble, Janet made them take a cold shower and Janet would pour ice water on
2 them. They were not provided a towel to dry off, but they had to stand in front
3 of a large fan. Additionally, the girls slept on boards with no sheets or blankets.
4 They slept in their underwear with a fan blowing on them. Victim #2 (DOB: 01-
5 23-03) has a scar on her back from Janet pouring hot water on her. Sometimes
6 after the victims had bathroom accidents, Janet would make them put their soiled
7 underwear in their mouths and leave it there until their mouths would bleed.
8 Victim #3 (DOB: 07-25-04) reported that Janet stuck a paint stick in her vagina
9 because she could not hold her bladder. Victim #3 also has scarring on her right
10 ear and back from Janet pouring hot water on her. The girls also reported that
11 Janet would put a catheter in them, and if urine came out, she would hit them
12 with a paint stick.

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

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

15 ARGUMENT

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

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

23 Pursuant to NRA 34.810(1):

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

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

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

(emphasis added).

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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 that
17 demonstrate:

18 (a) Good cause for the petitioner's failure to present the claim or for
19 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 preceded it
26 in the criminal process. When a criminal defendant has solemnly admitted in
27 open court that he is in fact guilty of the offense with which he is charged, he
28 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 Petitioner's claim deals only with unspecified evidence – it does not deal with the
10 validity of the guilty plea, nor the effectiveness of counsel; therefore, pursuant to Franklin and
11 Webb, Petitioner's claim is waived and is subject to dismissal absent a showing of good cause
12 and prejudice. See 110 Nev. at 752, 877 P.2d at 1059; see also 91 Nev. at 470, 538 P.2d at
13 165.

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

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

27 Because Petitioner's first claim is procedurally defaulted, both by Petitioner's decision
28 to plead guilty, and by Petitioner's failure to raise his claim on direct appeal, the State

1 respectfully requests that this Court deny Petitioner's first claim.

2 **II. ACTUAL INNOCENCE IS NOT, ITSELF, A COGNIZABLE GROUND FOR**
3 **RELIEF**

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

9 The United States Supreme Court has explained that actual innocence means factual
10 innocence, not legal insufficiency. Bousley v. United States, 523 U.S. 614, 623, 118 S.Ct.
11 1604, 1611 (1998); Sawyer v. Whitley, 505 U.S. 333, 338-39, 112 S.Ct. 2514, 2518-19 (1992).
12 To establish actual innocence of a crime, a petitioner "must show that it is more likely than
13 not that no reasonable juror would have convicted him absent a constitutional violation."
14 Pellegrini v. State, 117 Nev. 860, 887, 34 P.3d 519, 537 (2001). Actual innocence is a stringent
15 standard designed to be applied only in the most extraordinary situations. Schlup v. Delo, 513
16 U.S. 298, 316, 115 S.Ct. 851, 861 (1995); Pellegrini, 117 Nev. at 876, 34 P.2d at 530. In order
17 to meet the standard for actual innocence, a petitioner must show that the newly discovered
18 evidence suggesting a petitioner's innocence is "so strong that a court cannot have confidence
19 in the outcome of the trial." Schlup, 513 U.S. at 316, 115 S.Ct. at 861.

20 However, the United States Supreme Court has specified that a claim of actual
21 innocence is a "gateway" to present otherwise procedurally defaulted constitutional
22 challenges, rather than itself a ground for habeas relief. Schlup, 513 U.S. at 315, 115 S.Ct. at
23 861. The Eighth Circuit Court of Appeals has expressly "rejected free-standing claims of
24 actual innocence as a basis for habeas review." Meadows v. Delo, 99 F.3d 280, 283 (8th Cir.
25 1996) (citing Herrera v. Collins, 506 U.S. 390, 400, 113 S.Ct. 853, 860 (1993)).

26 Not only does Petitioner fail to recognize that "actual innocence" is not, itself, a
27 cognizable claim for relief, but Petitioner fails to allege *new facts* in support of his actual
28 innocence claim. See instant Petition at 9. Petitioner's allegation of illegally-gathered evidence

1 does not specify *what* evidence was illegally gathered. See id. As such, Petitioner's is bare and
2 naked, and is instead suitable only for summary denial under Hargrove, 100 Nev. at 502, 686
3 P.2d 225.

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

13 Because Petitioner's claim is not, itself, a cognizable claim for relief, and because
14 Petitioner waived the substance of his claim by pleading guilty, the State respectfully submits
15 that Petitioner's claim should be dismissed.

16 **III. PETITIONER'S THIRD AND FOURTH CLAIMS ARE WAIVED BY** 17 **PETITIONER'S FAILURE TO RAISE THEM ON DIRECT APPEAL**

18 Petitioner's third claim alleges that he should have been severed from his co-defendant
19 due to a gross disparity in culpability. See instant Petition at 10. His fourth claim contends that
20 the specific allegations of substantial bodily harm in his underlying case did not meet the
21 statutory definitions thereof. See id. at 11. Neither of these claims can entitle Petitioner to
22 relief, as he waived each of them by failing to raise them on direct appeal.

23 Petitioner's third and fourth claims are each substantive in nature, and as such, were
24 suitable to be raised on direct appeal. See instant Petition at 10-11. Therefore, Petitioner's
25 failure to raise them thus results in a waiver of each. NRS 34.724(2)(a) (habeas petitioners are
26 not a substitute for remedies available upon direct review of the trial court proceedings); NRS
27 34.810(1)(a); Evans, 117 Nev. at 646-47, 29 P.3d at 523; Franklin, 110 Nev. at 752, 877 P.2d
28 at 1059.

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

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

14 Petitioner does not provide any specific allegations of undue prejudice resulting from
15 misjoinder; instead, Petitioner claims that severance was warranted because "culpability" of
16 the defendants was "grossly mismatched." Instant Petition at 10. Petitioner then claims that he
17 bore *no* culpability because he was allegedly absent for *most* of the abuse. Id. However,
18 Petitioner overlooks the preliminary hearing testimony that placed Petitioner *inside* the house,
19 *participating* in aspects of the abuse. See, e.g. Preliminary Hearing Transcript – Volume I at
20 22, 24 (describing beatings with a paint stick which Petitioner had labeled "Board of
21 Education"), 29-32 (Petitioner affixed toilet seats to Home Depot buckets, which the victims
22 were forced to sit on from the time they woke up until they went to bed), 34 (Petitioner would
23 withhold food and water from the victims); see also, Preliminary Hearing Transcript – Volume
24 V at 49 (Petitioner purchased the catheters used to abuse the victims). Finally, Petitioner
25 asserts that he had no duty to report any crime committed by his wife, the co-defendant. Id.
26 However, Petitioner's position is contrary to Nevada law: NRS 49.305(2)(e) creates an express
27 exception to spousal privilege in the case where one spouse is charged with crime(s) against
28 the person's child. Therefore, because Petitioner's severance claim is without merit, it cannot

1 demonstrate prejudice sufficient to overcome procedural Petitioner's procedural defaults.

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

11 Because Petitioner's claims are waived by his failure to raise them on direct appeal, and
12 because Petitioner fails to overcome his procedural defaults, the State respectfully submits that
13 Petitioner's third and fourth claims are suitable only for dismissal.

14 **IV. PETITIONER'S FIFTH CLAIM FAILS TO STATE GROUNDS FOR RELIEF**

15 Petitioner's fifth claim complains that certain judicial findings are not supported by the
16 facts. See instant Petition at 12. A review of this claim shows that, while Petitioner takes issue
17 with "[c]omments from the bench" such as "'court feels,' 'court thinks,' etc.," Petitioner fails
18 to specifically allege findings, rather than expressions, that were unsubstantiated or improper.
19 See id. Petitioner's failure to offer a basis for relief, much less specific allegations in support
20 thereof, renders Petitioner's claim insufficient, bare and naked, and suitable only for summary
21 denial under Hargrove, 100 Nev. at 502, 686 P.2d at 225; see also NRS 34.735(6).

22 **V. PETITIONER FAILS TO DEMONSTRATE INEFFECTIVE ASSISTANCE OF** 23 **COUNSEL**

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

27 The Sixth Amendment to the United States Constitution provides that, "[i]n all criminal
28 prosecutions, the accused shall enjoy the right...to have the Assistance of Counsel for his

1 defense." The United States Supreme Court has long recognized that "the right to counsel is
2 the right to the effective assistance of counsel." Strickland v. Washington, 466 U.S. 668, 686,
3 104 S.Ct. 2052, 2063 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323
4 (1993).

5 To prevail on a claim of ineffective assistance of trial counsel, a defendant must prove
6 she was denied "reasonably effective assistance" of counsel by satisfying the two-prong test
7 of Strickland, 466 U.S. at 686-87, 104 S.Ct. at 2063-64. See also Love, 109 Nev. at 1138, 865
8 P.2d at 323. Under Strickland, a defendant must show first that his counsel's representation
9 fell below an objective standard of reasonableness, and second, that but for counsel's errors,
10 there is a reasonable probability that the result of the proceedings would have been different.
11 466 U.S. at 687-88, 694, 104 S.Ct. at 2065, 2068; Warden, Nevada State Prison v. Lyons, 100
12 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland two-part test). "[T]here is
13 no reason for a court deciding an ineffective assistance claim to approach the inquiry in the
14 same order or even to address both components of the inquiry if the defendant makes an
15 insufficient showing on one." Strickland, 466 U.S. at 697, 104 S.Ct. at 2069.

16 The Court begins with the presumption of effectiveness and then must determine
17 whether the defendant has demonstrated by a preponderance of the evidence that counsel was
18 ineffective. Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). "Effective counsel
19 does not mean errorless counsel, but rather counsel whose assistance is '[w]ithin the range of
20 competence demanded of attorneys in criminal cases.'" Jackson v. Warden, 91 Nev. 430, 432,
21 537 P.2d 473, 474 (1975).

22 Counsel cannot be ineffective for failing to make futile objections or arguments. See
23 Ennis v. State, 122 Nev. 694, 706, 137 P.3d 1095, 1103 (2006). Trial counsel has the
24 "immediate and ultimate responsibility of deciding if and when to object, which witnesses, if
25 any, to call, and what defenses to develop." Rhyne v. State, 118 Nev. 1, 8, 38 P.3d 163, 167
26 (2002). Further, a defendant who contends his attorney was ineffective because he did not
27 adequately investigate must show how a better investigation would have rendered a more
28 favorable outcome probable. Molina v. State, 120 Nev. 185, 192, 87 P.3d 533, 538 (2004).

1 Based on the above law, the role of a court in considering allegations of ineffective
2 assistance of counsel is "not to pass upon the merits of the action not taken but to determine
3 whether, under the particular facts and circumstances of the case, trial counsel failed to render
4 reasonably effective assistance." Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711
5 (1978). This analysis does not mean that the court should "second guess reasoned choices
6 between trial tactics nor does it mean that defense counsel, to protect himself against
7 allegations of inadequacy, must make every conceivable motion no matter how remote the
8 possibilities are of success." Id. To be effective, the constitution "does not require that counsel
9 do what is impossible or unethical. If there is no bona fide defense to the charge, counsel
10 cannot create one and may disserve the interests of his client by attempting a useless charade."
11 United States v. Cronin, 466 U.S. 648, 657 n.19, 104 S.Ct. 2039, 2046 n.19 (1984).

12 "There are countless ways to provide effective assistance in any given case. Even the
13 best criminal defense attorneys would not defend a particular client in the same way."
14 Strickland, 466 U.S. at 689, 104 S.Ct. at 689. "Strategic choices made by counsel after
15 thoroughly investigating the plausible options are almost unchallengeable." Dawson v. State,
16 108 Nev. 112, 117, 825 P.2d 593, 596 (1992); see also Ford v. State, 105 Nev. 850, 853, 784
17 P.2d 951, 953 (1989). In essence, the court must "judge the reasonableness of counsel's
18 challenged conduct on the facts of the particular case, viewed as of the time of counsel's
19 conduct." Strickland, 466 U.S. at 690, 104 S.Ct. at 2066.

20 Even if a defendant can demonstrate that his counsel's representation fell below an
21 objective standard of reasonableness, she must still demonstrate prejudice and show a
22 reasonable probability that, but for counsel's errors, the result of the trial would have been
23 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing
24 Strickland, 466 U.S. at 687, 104 S.Ct. at 2064). "A reasonable probability is a probability
25 sufficient to undermine confidence in the outcome." Id. (citing Strickland, 466 U.S. at 687-89,
26 694, 104 S.Ct. at 2064-65, 2068). This portion of the test is slightly modified when the
27 convictions occurs due to a guilty plea. Hill v. Lockhart, 474 U.S. 52, 59 (1985); Kirksey v.
28 State, 112 Nev. at 988. For a guilty plea, a defendant "must show that there is a reasonable

1 probability that, but for counsel's errors, he would not have pleaded guilty and would have
2 insisted on going to trial." Kirksey, 112 Nev. at 998 (quoting Hill, 474 U.S. at 59).

3 Petitioner does not invoke Strickland, much less attempt to meet that standard. See
4 instant Petition at 13-14. Further, a review of each of Petitioner's assertions of ineffectiveness
5 shows that none are sufficient to entitle Petitioner to relief.

6 **A. Ineffectiveness during Direct Appeal**

7 Petitioner first alleges that his direct appeal was "adjudicated on incomplete
8 information" due to counsel's ineffectiveness. Instant Petition at 13. While Petitioner offers a
9 list of generalized errors by counsel, he fails to specify *what* the errors were, or *how* they were
10 committed by counsel. Id.; Means, 120 Nev. at 1011, 103 P.3d at 32. Further, Petitioner fails
11 to specify *how* the result of his direct appeal would have differed, had counsel acted effectively
12 with regards to each of these general errors. McNelson, 115 Nev. at 403, 990 P.2d at 1268. In
13 fact, Petitioner's claim is so vague and devoid of factual support that the State cannot respond
14 to Petitioner's allegations. As such, Petitioner's assertion is bare and naked, and is suitable
15 only for summary denial. Hargrove, 100 Nev. at 502, 686 P.2d at 225.

16 **B. Failure to Investigate Allegations**

17 Petitioner next alleges that trial counsel failed to properly investigate the facts
18 underlying Petitioner's case. Instant Petition at 13. However, Petitioner fails to specifically
19 allege *what* a proper investigation would have shown, much less *how* that information would
20 have affected Petitioner's decision to accept plea negotiations. Molina, 120 Nev. at 192, 87
21 P.3d at 538. Therefore, Petitioner's allegation is insufficient to meet Petitioner's burden under
22 Strickland. Id.

23 **C. Coercion regarding Guilty Plea**

24 Petitioner's third allegation asserts that counsel's poor trial preparation, and failure to
25 convey an earlier plea deal, resulted in Petitioner's plea being "the only option." Instant
26 Petition at 13-14. While Petitioner includes various allegations of factors that led to his guilty
27 plea, Petitioner has failed to substantiate those allegations with any specific facts. As such,
28 Petitioner's third allegation is bare and naked and suitable only for denial under Hargrove. 100

1 Nev. at 502, 686 P.2d at 225.

2 Further, Petitioner's claim that his plea was coerced is expressly belied by the record
3 of Petitioner's guilty plea. By executing his GPA, Petitioner affirmed:

4
5 I believe that pleading guilty and accepting this plea bargain is in my best
6 interest, and that a trial would be contrary to my best interest.
7 I am signing this agreement voluntarily, after consultation with my
8 attorney, and *I am not acting under duress or coercion...*

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

16 Finally, even on the merits of his claim, Petitioner cannot demonstrate that he is entitled
17 to relief. To establish a claim of ineffective assistance of counsel for advice regarding a guilty
18 plea, a defendant must *show* "gross error on the part of counsel." Turner v. Calderon, 281 F.3d
19 851, 880 (9th Cir. 2002). Further, the Nevada Supreme Court has held that a reasonable plea
20 recommendation which hindsight reveals is unwise is not ineffective assistance. Larson v.
21 State, 104 Nev. 691, 694, 766 P.2d 261, 263 (1988). Importantly, the question is not whether
22 "counsel's advice [was] right or wrong, but...whether that advice was within the range of
23 competence demanded of attorneys in criminal cases." Turner, 281 F.3d at 880 (quoting
24 McMann v. Richardson, 397 U.S. 759, 771, 90 S.Ct. 1441, 1449 (1970)). Petitioner has merely
25 provided a list of allegations against counsel; however, he has failed to *show* that counsel's
26 performance amounted to "gross error" so as to warrant relief. As such, Petitioner's claim fails
27 to meet Petitioner's burden and cannot warrant relief.

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D. Petitioner's Fourth, Fifth, and Sixth Allegations of Ineffectiveness are devoid of any factual support.

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

In sum, Petitioner fails to substantiate a single allegation in support of his claim of ineffective assistance of counsel. As such, the State respectfully submits that Petitioner's claim of ineffectiveness cannot entitle Petitioner to relief.

CONCLUSION

For the forgoing reasons, the State respectfully requests that Petitioner's Petition for Writ of Habeas Corpus (Post-Conviction) be DENIED in its entirety.

DATED this 9th day of June, 2021.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565

BY

JONATHAN VANBOSKERCK
Deputy District Attorney
Nevada Bar #06528

CERTIFICATE OF MAILING

I hereby certify that service of the above and foregoing was made this 9th day of June, 2021, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

DWIGHT SOLANDER
700 ELM STREET, #29
BOULDER CITY, NV. 89005

BY

Secretary for the District Attorney's Office

14F04585A/JV/mlb/SVU



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10 **(702) 671-2500**
11 **Attorney for Plaintiff**

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

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

12 **-vs-**

13 **DWIGHT CONRAD SOLANDER,**
14 **#3074262,**

15 **Defendant.**

CASE NO: A-20-815535-W

DEPT NO: XV

16
17 **FINDINGS OF FACT, CONCLUSIONS OF**
18 **LAW AND ORDER**

19 **DATE OF HEARING: JUNE 24, 2021**
20 **TIME OF HEARING: 8:30 AM**

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

27 **//**

28 **//**

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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
for presenting the claim again; and

19 (b) Actual prejudice to the petitioner.

20 Where a defendant does not show good cause for his failure to raise claims of error upon direct
21 appeal, the district court is not obliged to consider them in post-conviction proceedings. Jones
22 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 Herrera 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. Enriquez-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

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

9 Likewise, this Court finds that Petitioner’s substantial bodily harm complaint is without
10 merit, as Petitioner’s decision to plead guilty relieved the State of its burden to establish each
11 of the statutory elements of that charge. See, GPA at 2 (“I understand that by pleading guilty,
12 I admit the facts which support all the elements of the offenses to which I now plead...”), 4
13 (“By entering my plea of guilty, I understand that I am waiving and forever giving up...the
14 State[‘s] burden of proving beyond a reasonable doubt each element of the offense(s)
15 charged.”). Furthermore, this Court finds that Petitioner’s choice to plead guilty waived any
16 challenge to the sufficiency of the substantial bodily harm enhancement. Kirksey, 112 Nev. at
17 993-94, 923 P.2d at 1110-11; Webb, 91 Nev. at 470, 538 P.2d at 165.

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

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

22 Petitioner’s fifth claim complains that certain judicial findings are not supported by the
23 facts. See instant Petition at 12. However, this Court finds that while Petitioner takes issue
24 with “[c]omments from the bench” such as “ ‘court feels,’ ‘court thinks,’ etc.,” Petitioner fails
25 to specifically allege findings, rather than expressions, that were unsubstantiated or improper.
26 See id. This Court concludes that Petitioner’s failure to offer a basis for relief, much less
27 specific allegations in support thereof, renders Petitioner’s claim insufficient, bare and naked,
28 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. McNelton 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. McNelton, 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


25 ELISE M. CONNEIN
26 Deputy District Attorney
Nevada Bar #014856

for

27
28 JJ/hjc/SVU



1 NEFF

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5 DWIGHT SOLANDER,

6 Petitioner,

Case No: A-20-815535-W

Dept No: XXI

7 vs.

8 JEREMY BEAN, WARDEN HDSP,

9 Respondent,

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

10
11 PLEASE TAKE NOTICE that on August 23, 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
15 to you. This notice was mailed on August 25, 2021.

16 STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

17
18
19 CERTIFICATE OF E-SERVICE / MAILING

20 I hereby certify that on this 25 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
26 700 Elm St., #29
Boulder City, NV 89005
27 Last Known Address

28 /s/ Amanda Hampton

Amanda Hampton, Deputy Clerk



1 **FCCO**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **STACEY KOLLINS**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #005391**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

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

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

12 **-vs-**

13 **DWIGHT CONRAD SOLANDER,**
14 **#3074262,**

15 **Defendant.**

CASE NO: A-20-815535-W

DEPT NO: XV

16
17 **FINDINGS OF FACT, CONCLUSIONS OF**
18 **LAW AND ORDER**

19 **DATE OF HEARING: JUNE 24, 2021**
20 **TIME OF HEARING: 8:30 AM**

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

27 //

28 //

\\CLARKCOUNTYDA.NET\CRM\CASE2\2014\147\76\201414776C-FFCO-(DWIGHT APPEAL REFILE)-001.DOCX

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 Herrera 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. Enriquez-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

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

9 Likewise, this Court finds that Petitioner’s substantial bodily harm complaint is without
10 merit, as Petitioner’s decision to plead guilty relieved the State of its burden to establish each
11 of the statutory elements of that charge. See, GPA at 2 (“I understand that by pleading guilty,
12 I admit the facts which support all the elements of the offenses to which I now plead...”), 4
13 (“By entering my plea of guilty, I understand that I am waiving and forever giving up...the
14 State[‘s] burden of proving beyond a reasonable doubt each element of the offense(s)
15 charged.”). Furthermore, this Court finds that Petitioner’s choice to plead guilty waived any
16 challenge to the sufficiency of the substantial bodily harm enhancement. Kirksey, 112 Nev. at
17 993-94, 923 P.2d at 1110-11; Webb, 91 Nev. at 470, 538 P.2d at 165.

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

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

22 Petitioner’s fifth claim complains that certain judicial findings are not supported by the
23 facts. See instant Petition at 12. However, this Court finds that while Petitioner takes issue
24 with “[c]omments from the bench” such as “ ‘court feels,’ ‘court thinks,’ etc.,” Petitioner fails
25 to specifically allege findings, rather than expressions, that were unsubstantiated or improper.
26 See id. This Court concludes that Petitioner’s failure to offer a basis for relief, much less
27 specific allegations in support thereof, renders Petitioner’s claim insufficient, bare and naked,
28 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. McNelton 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. McNelton, 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.

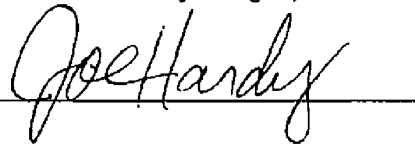
8 **D. Petitioner's Fourth, Fifth, and Sixth Allegations of Ineffectiveness are**
9 **devoid of any factual support**

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 **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

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

State of Nevada,

Plaintiff,

vs.

Dwight Solander,

Defendant

Case No.: A-20-815535-W

Dept: XXI

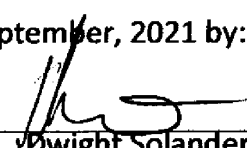
NOTICE OF APPEAL

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

TO: STEVEN B. WOLFSON, Clark County District Attorney

NOTICE IS GIVEN That Dwight Solander, Defendant in the above
referenced matter, appeals to the Supreme Court of the State of Nevada the
denial of the Defendants Writ of Habeas Corpus as indicated by the order mailed
to Defendant on 8/25/2021.

Dated this 6th day of September, 2021 by:


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

RECEIVED

SEP 13 2021

CLERK OF THE COURT

[Pleading title summary] - 1

Steven D. Grierson

NEFF

**DISTRICT COURT
CLARK COUNTY, NEVADA**

DWIGHT SOLANDER,

Petitioner,

vs.

JEREMY BEAN, WARDEN HDSP,

Respondent,

Case No: A-20-815535-W

Dept No: XXI

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

PLEASE TAKE NOTICE that on August 23, 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 25, 2021.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 25 day of 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
Last Known Address

/s/ Amanda Hampton


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
A - 20-815535-W addressed to the following:

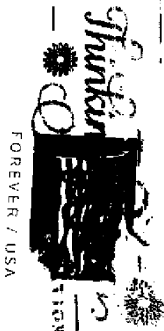
Steven B Wolfson
Clark County District Attorney
200 Lewis Ave 3rd Floor
Las Vegas, NV 89155

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


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

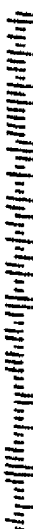
SEAN R
206 ELM #29
89005

LAS VEGAS NV 890
7 SEP 2021 PM 5 L



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

89101-630000





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

10 DWIGHT SOLANDER,

11 Plaintiff(s),

12 vs.

13 JEREMY BEAN, WARDEN,

14 Defendant(s),
15

Case No: A-20-815535-W

Dept No: XXI

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 (s): Jeremy Bean, Warden

26 Counsel:

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

A-20-815535-W

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5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A
- Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A
6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No
7. Appellant Represented by Appointed Counsel On Appeal: N/A
8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
***Expires 1 year from date filed*
Appellant Filed Application to Proceed in Forma Pauperis: No
Date Application(s) filed: N/A
9. Date Commenced in District Court: May 27, 2020
10. Brief Description of the Nature of the Action: Civil Writ
Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus
11. Previous Appeal: Yes
Supreme Court Docket Number(s): 67710, 67711, 76228, 76405, 82082, 82427
12. Child Custody or Visitation: N/A
13. Possibility of Settlement: Unknown

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

September 01, 2020

A-20-815535-W Dwight Solander, Plaintiff(s)
vs.
Jeremy Bean, Warden HDSP, Defendant(s)

**September 01, 2020 1:45 PM Petition for Writ of Habeas
Corpus**

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Kristen Brown

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Samuels, Katrina Ann Attorney

JOURNAL ENTRIES

- Court stated that the motion will be decided on the briefs. Court stated its findings and ORDERED, Motion DENIED. State to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

March 09, 2021

A-20-815535-W	Dwight Solander, Plaintiff(s) vs. Jeremy Bean, Warden HDSP, Defendant(s)
---------------	--

March 09, 2021 8:30 AM All Pending Motions

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

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

PARTIES

PRESENT:	Samuels, Katrina A Solander, Dwight	Attorney Plaintiff
-----------------	--	-----------------------

JOURNAL ENTRIES

- The State present via Blue Jeans.

PETITION OR WRIT OF HABEAS CORPUS...MOTION TO TRANSFER PETITION FOR WRIT OF HABEAS CORPUS

Mr. Solander explained that he filed the first Habeas Petition to address an internal issue; however, the second Habeas Petition was filed post-conviction, and was completely unrelated to the first Habeas Petition. Additionally, Mr. Solander stated that he agreed with the State's Motion to Transfer, noting that the second Habeas Petition should not have been placed in the instant case, but should have been set in the underlying criminal case. The State affirmed Mr. Solander's representations, stating that the second Habeas Petition was not a time computation challenge, and should be transferred to the underlying criminal case. Upon Court's inquiry, the State advised that the District Attorney's Office needed to respond to the Habeas Petition, rather than the Attorney General's Office.

COURT ORDERED the Motion to Transfer Petition for Writ of Habeas Corpus, was hereby

PRINT DATE: 10/15/2021

Page 2 of 5

Minutes Date: September 01, 2020

GRANTED; the Petition for Writ of Habeas Corpus, filed on January 5, 2021, was hereby TRANSFERRED to case number C-14-299737-1, and SET for a hearing in that case. Upon Court's inquiry regarding whether Mr Solander had the file, Mr. Solander stated that said issue remained pending, and was currently being heard by the Supreme Court.

COURT ORDERED the District Attorney's Office to respond to the Petition for Writ of Habeas Corpus, and SET a BRIEFING SCHEDULE as follows: (1) the State's response to be filed on later than May 11, 2021; and (2) Mr. Solander's response to the State's response, to be filed no later than June 11, 2021.

Mr. Solander advised that the Motion pending in the instant case on March 16, 2021, could be vacated. COURT ORDERED Plaintiff's Motion for Leave of Court to Complete and File Legal Brief in Support of Writ of Habeas Corpus, pending hearing in the instant case on March 16, 2021, was hereby VACATED.

6/24/21 8:30 AM (CASE NUMBER C299737-1) PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

August 12, 2021

A-20-815535-W	Dwight Solander, Plaintiff(s) vs. Jeremy Bean, Warden HDSP, Defendant(s)
---------------	--

August 12, 2021	1:30 PM	Petition for Writ of Habeas Corpus
------------------------	----------------	---

HEARD BY: Clark Newberry, Tara **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Carina Bracamontez-Munguia

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Solander, Dwight	Plaintiff
	Wong, Hetty O.	Attorney

JOURNAL ENTRIES

- Court noted Deft. was present out of custody. COURT FINDS the State's return reflects the findings of the Court that there was no good cause shown for a failure to raise the claims on a direct appeal; more specifically NRA 34.810(1) required that a petition raised post-conviction that was not based on an allegation that the plea was involuntary or unknowingly entered or without effective assistance of counsel was improper. COURT FINDS there were 6 separate claims for relief without merit, therefore, ORDERED petition DENIED. State DIRECTED to prepare the order; State may use the template of the legal argument and analysis as set forth in its return as a basis for the order. Mr. Solander indicated he had filed a motion for a continuance to get the legal arguments together. COURT STATED ITS FINDINGS and ORDERED the Motion to Continue ADVANCED and DENIED; State to prepare the order.

CLERK'S NOTE: Subsequent to hearing, Court acknowledged the Motion for Status and to Grant Motion for Production of Documents set for August 19, 2021 and the Motion for Continuance of Hearing set for August 24, 2021 were assigned the Department 15, therefore, ORDERED prior rulings VACATED; matter to REMAIN on calendar as set to be heard by Department 15. A copy of this minute order was provided to the Defendant via U.S. Mail: Dwight Solander 700 Elm St. #29 Boulder

PRINT DATE: 10/15/2021

Page 4 of 5

Minutes Date: September 01, 2020

A-20-815535-W

City, NV 89005. // cbm 09/01/2021

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated October 13, 2021, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises one volume with pages numbered 1 through 227.

DWIGHT SOLANDER,

Plaintiff(s),

vs.

JEREMY BEAN, WARDEN HDSP,

Defendant(s),

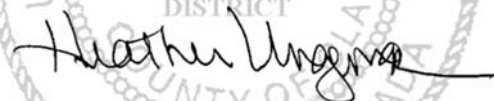
Case No: A-20-815535-W

Dept. No: XXI

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 15 day of October 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk