

# IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed  
Oct 15 2021 08:11 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

VALENTINA MONEE KNIGHT,  
Appellant(s),

vs.

THE STATE OF NEVADA,  
Respondent(s),

Case No: C-15-309123-2

Docket No: 83534

# RECORD ON APPEAL VOLUME 2

**ATTORNEY FOR APPELLANT**  
VALENTINA KNIGHT # 1228728,  
PROPER PERSON  
4370 SMILEY RD.  
LAS VEGAS, NV 89115

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

**I N D E X**

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DOCUMENT,  
NUMBERED PAGE(S)  
241 - 249  
WILL FOLLOW VIA  
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Ave Santa M.

FILED

MAR 17 2020

*John J. Williams*  
CLERK OF COURT

Florence McClure Women's Correctional Center  
4370 Smiley Rd.  
Las Vegas, NV 89115

In the 8th Judicial District Court of the State of Nevada

In and for the County of Nevada Clark County

In the matter of:

Valentina Knight )  
Plaintiff/Petitioner )  
v. State OF Nevada )  
Defendant/Respondent )

Case No: C-15-309123-2

Dept No.: \_\_\_\_\_

April 13, 2020  
at 8:30am

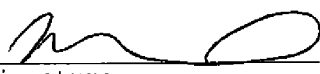
MOTION TO WITHDRAW COUNSEL

COMES NOW Defendant, Valentina Knight, In Proper  
Person and hereby moves this Honorable Court for an ORDER granting her  
permission to withdraw her present counsel of record in the proceeding  
action.

This Motion is made and based upon all papers, pleadings, and exhibits  
on file with the Court which are hereby incorporated by this reference, the  
Points and Authorities herein, and attached Affidavit of Defendant.

Dated this 24th day of February, 2020

Respectfully submitted,

  
Signature

Valentina Knight  
Print Name

C-15-309123-2  
MWCN  
Motion to Withdraw As Counsel  
4908296



RECEIVED  
MAR 17 2020  
CLERK OF THE COURT

1  
2  
3 POINTS AND AUTHORITIES

4 NRS 7.055 states in pertinent part:

- 5 1. An attorney who has been discharged by his client shall  
6 upon demand and payment of the fee due from the client,  
7 immediately deliver to the client all papers, documents,  
8 pleadings and items of tangible personal property which  
9 belong to or were prepared for that client.  
10 2. ...If the court finds that an attorney has, without just  
11 cause, refused or neglected to obey its order given under  
12 this section, the court may, after notice and fine or  
13 imprison him until contempt purged. If the Court finds  
14 that the attorney has, without just cause, withheld the  
15 client's papers, documents, pleadings, or other property,  
16 the attorney is liable for costs and attorney's fees.

17 Counsel in the above-entitled case was court-appointed due to  
18 Defendant's indigence. Defendant does not owe counsel any fees.

19 WHEREFORE, Defendant prays this Honorable Court, GRANT her Motion to  
20 Withdraw Counsel and that counsel deliver Defendant all papers, documents,  
21 pleadings, discovery and any other tangible property which belong to or were  
22 prepared for the Defendant to allow Defendant the proper assistance that is  
23 needed to insure that justice is served.

24 Dated this 24<sup>th</sup> day of February, 2020

25 Respectfully submitted,

26 

27 Signature

28 Valentina Knigut

Print Name

1 Florence McClure Women's Correctional Center  
2 4370 Smiley Rd.  
3 Las Vegas, NV 89115

4 In The 8th Judicial District Court of the State of Nevada  
5 In and for the County of Clark County

6 In the matter of:

7 Valentina Knight  
8 Plaintiff/Petitioner

Case No: C-15-309123-2

9 v. State OF Nevada  
10 Defendant/Respondent

Dept No.: \_\_\_\_\_

11 AFFIDAVIT

12 STATE OF NEVADA )

13 COUNTY OF Clark County


- 14 1. I am the ☒ Plaintiff/Petitioner ☐ Defendant/Respondent in the above  
15 entitled action. I have personal knowledge of the facts contained  
16 in the above-entitled case and am competent to testify to these  
17 facts.  
18 2. My personal knowledge or personal observations of the situation  
19 is/are as follows:

20 I would like to remove this Court appointed  
21 attorney because I believe the counsel was  
22 ineffective. Counsel did not speak to me prior  
23 to sentencing for my probation violation hearing.  
24 He asked to have a fact finding to determine if  
25 I in fact violated probation which if he spoke  
26 to me prior I would have advised him I didn't  
27 wish to do that as I knew I had violated.  
28 Further he did not contact my actual office  
of Probation in Wisconsin to ask of evidence  
to the programs I completed which left the  
Nevada Probation office to their own devices  
and there was no evidence present of the

1 Programs I was enrolled in prior to me  
2 violating probation. I have no contact information  
3 for his attorney nor do I know his name.  
4 I am not comfortable with the conviction  
5 based on his counsel.  
6  
7  
8  
9  
10

11 Dated this 24<sup>th</sup> day of February, 2020.

12 Respectfully submitted,

13   
14 Signature

15 Valentina Knight  
16 Printed Name

17 DECLARATION UNDER PENALTY OF PERJURY

18 I, the undersigned, understand that a false statement or answer to any question in this declaration will  
19 subject me to penalties of perjury.

20 I declare, under the penalty of perjury under the laws of the United States of America,  
21 that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed  
22 within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

23 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

24 \_\_\_\_\_  
25 Signature

26 \_\_\_\_\_  
27 Nevada Department of Corrections ID #

28 <sup>1</sup> NRS 171.102

<sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury

18 U.S.C.

§ 1621. Perjury generally

FILED

MAR 17 2020

CLERK OF COURT

Florence McClure Women's Correctional Center  
4370 Smiley Rd.  
Las Vegas, NV 89115

In the 8th Judicial District Court of the State of Nevada

In and for the County of Clark County

In the matter of:

Valentina Knight  
Plaintiff/Petitioner

Case No: C-15-309123-2

v. State of Nevada  
Defendant/Respondent

Dept No.:

April 13, 2020  
at 8:30am

MOTION TO AMEND JUDGEMENT OF CONVICTION

COMES NOW DEFENDANT, Valentina Knight, in Proper Person  
and hereby requesting the District Court to amend the Judgement of Conviction  
in the above-entitled case as detailed in the attached Statement of Facts.

Dated this 4th day of March, 2020

Respectfully submitted,

*[Signature]*

Signature

Valentina Knight  
Print Name

DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, understand that a false statement or answer to any question in this declaration will  
subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above  
and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of  
NRS 171.102 and NRS 208.165. See 28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 4th day of March, 2020

Signature

7228728  
Nevada Department of Corrections ID #

<sup>1</sup> NRS 171.102

<sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury  
18 U.S.C.  
§ 1621. Perjury generally

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MAR 17 2020

CLERK OF THE COURT

C-15-309123-2

MAMJ

Motion to Amend Judgment

4006297





STATEMENT OF FACTS

I believe my co Defendants Immigration status has affected my sentencing in this case firstly. I also believe to have had in effective counsel. When being sentenced for my probation violation my lawyer did not give me his contact information nor did he speak to me prior to being seen by the judge. I in the beginning asked to be severed from my co defendant but was advised against it. Also when I asked to modify my sentence I was told if my co defendant goes to prison "Ice" or Immigration would pick him up. I would like to be re tried with being severed.

CERTIFICATE OF MAILING

STATE OF NEVADA  
COUNTY OF CLARK

I am the ☒ Plaintiff/Petitioner ☐ Defendant/Respondent

Valentina Knight for Case No: C-15-309123-2

On this 4th day of March, 2020, I mailed a copy of the

Following document(s)

1. Motion to Amend Judgement of conviction
2. Request for records
3. Motion to withdraw Counsel
4. Motion of Appointment of Counsel
5. Request for Submission of motion
6. IFP Financial Certificate

By United States First Class Mail, to the following addresses:

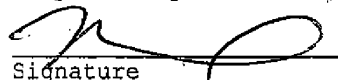
1. Clerk of Court  
8th Judicial District  
200 Lewis Ave  
Las Vegas, NV 89155

2. \_\_\_\_\_  
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\_\_\_\_\_

3. \_\_\_\_\_  
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\_\_\_\_\_

Dated this 4th day of March, 2020.

Respectfully submitted,



Signature

Valentina Knight

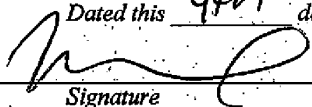
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DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 4th day of March, 2020  
  
Signature

2228728  
Nevada Department of Corrections ID #

<sup>1</sup> NRS 171.102  
<sup>2</sup> NRS 208.165  
<sup>3</sup> 28 U.S.C.  
§1746. Unsworn declarations under penalty of perjury  
18 U.S.C.  
§ 1621. Perjury generally

27

DX  
PP  
Assoc. Sec'y, M

Florence McClure Women's Correctional Center  
4370 Smiley Rd.  
Las Vegas, NV 89115

FILED

MAR 17 2020

In The 9th Judicial District Court of the State of Nevada  
In and for the County of Clark County

*[Signature]*  
CLERK OF COURT

In the matter of:

Valentina Knight  
Plaintiff/Petitioner

Case No: C-15-309123-2

State OF Nevada  
Defendant/Respondent

Dept No.: \_\_\_\_\_

**REQUEST FOR SUBMISSION OF MOTION**

It is requested that the Motion for

Motion to Withdraw Counsel

which was filed on the 14<sup>th</sup> day of February, 2020 in the above-entitled matter be submitted  
to the Court for decision.

The undersigned certifies that a copy of this request has been mailed to all counsel of record.

Dated this 14<sup>th</sup> day of February, 2020

Respectfully submitted,

*[Signature]*  
Signature

Valentina Knight  
Print Name

RECEIVED  
MAR 17 2020  
CLERK OF THE COURT

C-15-309123-2  
REQT  
Request  
4906298




DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 24th day of February, 2020

  
Signature

1208728  
Nevada Department of Corrections ID #

<sup>1</sup> NRS 171.102

<sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury  
18 U.S.C.

§ 1621. Perjury generally

Florence McClure Women's Correctional Center  
4370 Smiley Rd.  
Las Vegas, NV 89115

28  
**FILED**

MAR 17 2020

In The 8th Judicial District Court of the State of Nevada  
In and for the County of Clark County

*Shirley*  
CLERK OF COURT

DA  
PP  
ADR: Santa, M  
In the matter of:

Valentina Knight  
Plaintiff/Petitioner

State of Nevada  
Defendant/Respondent

Case No: C-15-309123-2

Dept No.: \_\_\_\_\_

**REQUEST FOR SUBMISSION OF MOTION**

It is requested that the Motion for

Motion For Appointment Of Counsel

which was filed on the 24th day of February, 2020, in the above-entitled matter be submitted  
to the Court for decision.

The undersigned certifies that a copy of this request has been mailed to all counsel of record.

Dated this 24th day of February, 2020

Respectfully submitted,

Valentina Knight  
Signature

Valentina Knight  
Print Name

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MAR 17 2020

CLERK OF THE COURT

C-15-309123-2  
REQ  
Request  
4906299

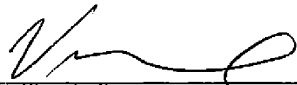


DECLARATION UNDER PENALTY OF PERJURY

*I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.*

*I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.*

Dated this 24<sup>th</sup> day of February, 2020

  
Signature

1228728  
Nevada Department of Corrections ID #

<sup>1</sup> NRS 171.102

<sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury

18 U.S.C.

§ 1621. Perjury generally

Florence McClure Women's Correctional Center  
4370 Smiley Rd.  
Las Vegas, NV 89115

FILED

MAR 17 2020

CLERK OF COURT

In The 8th Judicial District Court of the State of Nevada  
In and for the County of Clark County

In the matter of:

Valentina Knight  
Plaintiff/Petitioner

v. State Of Nevada  
Defendant/Respondent

Case No: C-15-309123-2

Dept No.: \_\_\_\_\_

**REQUEST FOR SUBMISSION OF MOTION**

It is requested that the Motion for

Motion TO Amend Judgement OF Conviction

which was filed on the 4th day of March, 2020 in the above-entitled matter be submitted  
to the Court for decision.

The undersigned certifies that a copy of this request has been mailed to all counsel of record.

Dated this 4th day of March, 2020

Respectfully submitted,

[Signature]  
Signature

Valentina Knight  
Print Name

RECEIVED

MAR 17 2020

CLERK OF THE COURT

C-15-309123-2  
REQT  
Request  
4906300






DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 4th day of March, 2020

  
Signature

1228728  
Nevada Department of Corrections ID #

<sup>1</sup> NRS 171.102

<sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury  
18 U.S.C.

§ 1621. Perjury generally

27

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OF FILE PLEASE

1 Florence McClure Women's Correctional Center  
2 4370 Smiley Rd.  
3 Las Vegas, NV 89115

4 In the 8th Judicial District Court of the State of Nevada

5 In and for the County of Nevada Clark County

6 In the matter of:

7 Valentina Knight  
8 Plaintiff/Petitioner

Case No: C-15-309123-2

9 v. State OF Nevada  
10 Defendant/Respondent

Dept No.: \_\_\_\_\_

11 ORDER TO WITHDRAW COUNSEL

12 The Proper Person Motion of Defendant, requesting an Order to Withdraw  
13 Counsel in the above entitled action having moved the Court on this day, and  
14 in good cause appearing.

15 IT IS HEREBY ORDERED, that Defendant's Motion to Withdraw Counsel is  
16 GRANTED.

17 IT IS HEREBY ORDERED that Counsel deliver to Defendant at her address,  
18 all documents, papers, pleadings, discovery, and any other tangible property  
19 in the above-entitled case.

20 Dated this 24th day of February, 2020

21  
22  
23  
24  
25  
26  
27  
28  
DISTRICT COURT JUDGE

RECEIVED

MAR 17 2020

CLERK OF THE COURT

C-15-309123-2  
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OF FILE PLEASE

27

Florence McClure Women's Correctional Center  
4370 Smiley Rd.  
Las Vegas, NV 89115

In the 8th Judicial District Court of the State of Nevada

In and for the County of Clark County

In the matter of:

Valentina Knight  
Plaintiff/Petitioner

Case No: C-15-309123-2

v. State of Nevada  
Defendant/Respondent

Dept No.: \_\_\_\_\_

ORDER APPOINTING COUNSEL

The Proper Person Motion of Petitioner, requesting an Order for the  
Appointment of Counsel to represent her in the above entitled action having  
moved the Court on this day, and in good cause appearing.

Now, therefore, IT IS HEREBY ORDERED, that \_\_\_\_\_  
is appointed to represent the above-entitled Petitioner in said proceedings  
at the expense of the State of Nevada.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
DISTRICT COURT JUDGE

RECEIVED

MAR 17 2020

CLERK OF THE COURT

C-15-309123-2  
LSF  
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4906302



FILED

23

MAR 17 2020

CLERK OF COURT

Florence McClure Women's Correctional Center  
4370 Smiley Rd.  
Las Vegas, NV 89115

In the 9th Judicial District Court of the State of Nevada

In and for the County of Clark County

In the matter of:

Valentina Knight  
Plaintiff/Petitioner

Case No: C-15-309123-2

State of Nevada  
Defendant/Respondent

Dept No.:

April 13, 2020  
at 8:30am


MOTION FOR APPOINTMENT OF COUNSEL

COMES NOW Petitioner, Valentina Knight, In Proper Person and hereby moves this Honorable Court for an order to Appoint Counsel in the above-entitled action, pursuant to NRS 34.720, with the Fundamental Provisions of Art. I., Sec.'s 8 and 10, of the Nevada Constitution, and the U.S. 1st Amendment (Right to Petition for the Redress of Constitutional Grievances), and the U.S. 14th Amendment (Right to Due Process Clause) in the Constitution of these United States.

This Motion is made and based upon all papers, pleadings, and exhibits within Court records, the Application to Proceed In Forma Pauperis and upon Oral Arguments, if this Court deems it proper and necessary for the disposition of the instant Motion.

Dated this 24th day of February, 2020

Respectfully submitted,

  
Signature

Valentina Knight  
Print Name

C-15-309123-2  
MAPA  
Motion for Appointment of Attorney  
4906303



DA  
PP  
Re: Santa M.

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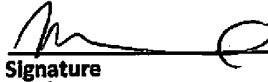
CLERK OF THE COURT

## DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 24<sup>th</sup> day of February, 2020

  
Signature

1228728  
Nevada Department of Corrections ID Number

Valentina Knight  
Print Name

<sup>1</sup> NRS 171.102 Complaint defined; oath or declaration required. The complaint is a written statement of the essential facts constituting the public offense charged. It must be made upon:

1. Oath before a magistrate or a notary public; or
2. Declaration which is made subject to the penalty for perjury.  
(Added to NRS by 1967, 1400; A 1969, 387; 1983, 446)

<sup>2</sup> NRS 208.165 Execution of instrument by prisoner. A prisoner may execute any instrument by signing his or her name immediately following a declaration "under penalty of perjury" with the same legal effect as if he or she had acknowledged it or sworn to its truth before a person authorized to administer oaths. As used in this section, "prisoner" means a person confined in any jail or prison, or any facility for the detention of juvenile offenders, in this state.  
(Added to NRS by 1985, 1643)

<sup>3</sup> 28 U.S.C.

### §1746. Unsworn declarations under penalty of perjury

Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:

(1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)".

(2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)".  
(Added Pub. L. 94-550, §1(a), Oct. 18, 1976, 90 Stat. 2534.)

### PRIOR PROVISIONS

A prior section 1746 was renumbered section 1745 of this title.

### § 1621. Perjury generally

Whoever—

(1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

(June 25, 1948, ch. 645, 62 Stat. 773; Pub. L. 88-619, § 1, Oct. 3, 1964, 78 Stat. 995; Pub. L. 94-550, § 2, Oct. 18, 1976, 90 Stat. 2534; Pub. L. 103-322, title XXXIII, § 330016(1)(I), Sept. 13, 1994, 108 Stat. 2147.)

Florence McClure Women's Correctional Center  
4370 Smiley Rd.  
Las Vegas, NV 89115

In The 8th Judicial District Court of the State of Nevada  
In and for the County of Clark County

In the matter of:

Valentina Knight  
Plaintiff/Petitioner

Case No: C-15-309123-2

v. State OF Nevada  
Defendant/Respondent

Dept No.: \_\_\_\_\_

AFFIDAVIT

STATE OF NEVADA )

COUNTY OF Clark )

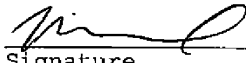
1. I am the ☒ Plaintiff/Petitioner ☐ Defendant/Respondent in the above entitled action. I have personal knowledge of the facts contained in the above-entitled case and am competent to testify to these facts.
2. My personal knowledge or personal observations of the situation is/are as follows:

I would like to be appointed a public defender and not a court appointed attorney. My current attorney did not speak with me in depth prior to sentencing and therefore did not discuss which way I wanted to plea in my case. I never recieved his phone number or Address nor do I have his name. I would like to request a public defender based on the way I was handled in the sentencing after my probation violation. Thank you.

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Dated this 24<sup>th</sup> day of February, 20 20.

Respectfully submitted,

  
Signature

Valentina Knight  
Printed Name

**DECLARATION UNDER PENALTY OF PERJURY**

*I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.*

*I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Nevada Department of Corrections ID #

<sup>1</sup> NRS 171.102

<sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury

18 U.S.C.

§ 1621. Perjury generally

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DOCUMENT,  
NUMBERED PAGE(S)  
270 - 271  
WILL FOLLOW VIA  
U.S. MAIL





DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

STATE OF NEVADA  
VS  
VALENTINA KNIGHT

CASE NO: C-15-309123-2

DEPARTMENT 19

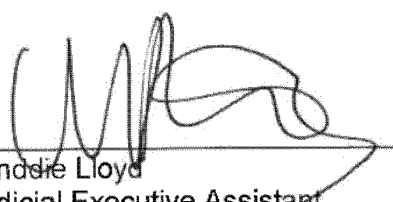
NOTICE OF RESCHEDULING OF HEARINGS

Please be advised that the date and time of a hearingS set before the Honorable William D. Kephart has been changed.

The Motion to Withdraw as Counsel, Motion to Amend Judgment, Motion for Appointment of Attorney has been rescheduled to the 11th day of May, 2020, at 8:30 AM.

DATED this 3rd day of April, 2020.

By:



Mindie Lloyd  
Judicial Executive Assistant  
to Judge William D. Kephart  
Department 19

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**CERTIFICATE OF SERVICE**

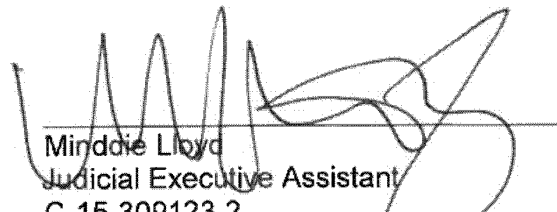
I hereby certify that on or about the date signed, a copy of this Order was electronically served to all registered parties in the Eighth Judicial District Court Electronic Filing Program and/or placed in the attorney's folder maintained by the Clerk of the Court and/or transmitted via facsimile and/or mailed, postage prepaid, by United States mail to the proper parties as follows:

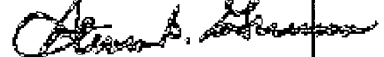
Banker's Insurance Company  
P.O. Box 33015  
St. Petersburg, FL 33733

Free Bail Bonds  
121 Gass  
Las Vegas, NV 89101

Michael W. Sanft  
Sanft Law  
Attn: Michael W. Sanft  
324 South 3rd Street - 2nd Floor  
Las Vegas, NV 89101

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

  
Mindie Lloyd  
Judicial Executive Assistant  
C-15-309123-2  
Notice of Rescheduling of Hearing



1 **ORDR**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 ANN DUNN  
6 Deputy District Attorney  
7 Nevada Bar #014511  
8 200 Lewis Avenue  
9 Las Vegas, NV 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,  
11 Plaintiff,

12 -vs-

13 VALENTINA MONEE KNIGHT,  
14 #7018909  
15 Defendant.

CASE NO: C-15-309123-2

DEPT NO: XIX

16 **ORDER DENYING DEFENDANT'S MOTION TO AMEND JUDGMENT AND**  
17 **APPOINTMENT OF COUNSEL AND GRANTING DEFENDANT'S MOTION TO**  
18 **WITHDRAW COUNSEL**

19 DATE OF HEARING: June 8, 2020  
20 TIME OF HEARING: 10:15 A.M.

21 THIS MATTER having come on for hearing before the above entitled Court on the  
22 8th day of June, 2020, the Defendant not being present, represented by MICHAEL W.  
23 SANFT, ESQ., the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney,  
24 through ANN DUNN, Deputy District Attorney, without argument, based on the pleadings  
25 and good cause appearing therefor,

26 ///

27 ///

28 ///

V:\2015\196\54\201519654C-ORDR-(KNIGHT, VALENTINA)-001.DOCX

1 IT IS HEREBY ORDERED that the Defendant's Motion to Amend Judgment, shall  
2 be, and it is DENIED

3 IT IS HEREBY ALSO ORDERED that the Defendant's Motion for Appointment of  
4 Counsel, shall be, and it is DENIED.

5 IT IS HEREBY ALSO ORDERED that the Defendant's Motion to Withdraw Counsel,  
6 shall be, and it is GRANTED.

7 DATED this 15th day of June, 2020.

8   
9 \_\_\_\_\_  
DISTRICT JUDGE

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

12  
13 BY 

14 \_\_\_\_\_  
ANN DUNN  
15 Deputy District Attorney  
Nevada Bar #014511  
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*Steven D. Grierson*

COSCC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

\*\*\*\*\*

STATE OF NEVADA

CASE NO.: C-15-309123-2

VS

DEPARTMENT 19

VALENTINA KNIGHT

**CRIMINAL ORDER TO STATISTICALLY CLOSE CASE**

Upon review of this matter and good cause appearing,

IT IS HEREBY ORDERED that the Clerk of the Court is hereby directed to statistically close this case for the following reason:

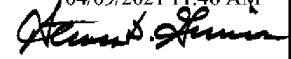
**DISPOSITIONS:**

- ☐ Nolle Prosequi (before trial)
- ☐ Dismissed (after diversion)
- ☐ Dismissed (before trial)
- ☐ Guilty Plea with Sentence (before trial)
- ☐ Transferred (before/during trial)
- ☐ Bench (Non-Jury) Trial
  - ☐ Dismissed (during trial)
  - ☐ Acquittal
  - ☐ Guilty Plea with Sentence (during trial)
  - ☐ Conviction
- ☐ Jury Trial
  - ☐ Dismissed (during trial)
  - ☐ Acquittal
  - ☐ Guilty Plea with Sentence (during trial)
  - ☐ Conviction
- ☒ Other Manner of Disposition

DATED this 9th day of September, 2020.

*William D. Kephart*

WILLIAM D. KEPHART  
DISTRICT COURT JUDGE

  
CLERK OF THE COURT

**ORDER**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
JONATHAN E. VANBOSKERCK  
Chief Deputy District Attorney  
Nevada Bar #006528  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

VALENTINA KNIGHT,  
#7018909

Defendant.

CASE NO: C-15-309123-2

DEPT NO: III

**ORDER FOR TRANSCRIPT**

Upon the ex-parte application of the State of Nevada, represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through, JONATHAN E. VANBOSKERCK, Chief Deputy District Attorney, and good cause appearing therefor,

IT IS HEREBY ORDERED that a transcript of the Pre-<sup>trial</sup> Conference, Plea Hearing heard on the 4<sup>th</sup> day of January, 2017, be prepared by, Court Reporter/Recorder, , for the above-entitled Court.

DATED this \_\_\_\_\_ day of April, 2021. Dated this 9th day of April, 2021

  
DISTRICT JUDGE

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

BC8 5F0 EDF6 38F5  
Monica Trujillo  
District Court Judge

BY /s/ Jonathan E. VanBoskerck  
JONATHAN E. VANBOSKERCK  
Chief Deputy District Attorney  
Nevada Bar #006528

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 State of Nevada

CASE NO: C-15-309123-2

7 vs

DEPT. NO. Department 3

8 Valentina Knight

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 4/9/2021

15 STEVEN WOLFSON, ESQ.

motions@clarkcountynyda.com

*Heather L. Smith*  
CLERK OF THE COURT

**ORDER**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
JONATHAN E. VANBOSKERCK  
Chief Deputy District Attorney  
Nevada Bar #006528  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

VALENTINA KNIGHT,  
#7018909

Defendant.

CASE NO: C-15-309123-2

DEPT NO: III

**ORDER FOR TRANSCRIPT**

Upon the ex-parte application of the State of Nevada, represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through, JONATHAN E. VANBOSKERCK, Chief Deputy District Attorney, and good cause appearing therefor,

IT IS HEREBY ORDERED that a transcript of the Pre-Trial Conference, Plea Hearing heard on the 4<sup>th</sup> day of January, 2017, be prepared by, Court Reporter/Recorder, , for the above-entitled Court.

DATED this \_\_\_\_\_ day of April, 2021 Dated this 19th day of April, 2021

*Monica Trujillo*  
DISTRICT JUDGE

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

118 C79 DDC8 7C13  
Monica Trujillo  
District Court Judge

BY /s/ Jonathan E. VanBoskerck  
JONATHAN E. VANBOSKERCK  
Chief Deputy District Attorney  
Nevada Bar #006528



1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 State of Nevada

CASE NO: C-15-309123-2

7 vs

DEPT. NO. Department 3

8 Valentina Knight

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10 **AUTOMATED CERTIFICATE OF SERVICE**

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13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 4/19/2021

15 STEVEN WOLFSON, ESQ.

motions@clarkcountynyda.com



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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,  
9 Plaintiff,

CASE NO.: C-15-309123-1  
C-15-309123-2

10 vs.

DEPT. XIX

11 MOUSTAPHA DIOUBATE,  
12 VALENTINA MONEE KNIGHT,  
13 Defendant.

14  
15 BEFORE THE HONORABLE WILLIAM D. KEPHART, DISTRICT COURT JUDGE  
16 WEDNESDAY, JANUARY 4, 2017

17 **RECORDER'S TRANSCRIPT OF HEARING RE:**  
18 **PRETRIAL CONFERENCE**

19 APPEARANCES:

20 For the Plaintiff:

NOREEN C. DEMONTE, ESQ.  
Chief Deputy District Attorney

21 For the Defendants:

MICHAEL D. PARIENTE, ESQ.

22 Moustapha Dioubate  
23 Valentina Monee Knight

24  
25 RECORDED BY: CHRISTINE ERICKSON, COURT RECORDER

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Las Vegas, Nevada; Wednesday, January 4, 2017

[Hearing commenced at 10:51 a.m.]

THE COURT: -- Moustapha Dioubate and Valentia [sic]  
Knight. This is C309123 -- oh, you got this -- okay.

All right. This was time set for pretrial conference and there  
was actually a motion to compel personnel files as well as a -- another  
motion for -- to suppress. And are you withdrawing those at this point?

MR. PARIENTE: Yes, Your Honor. Those -- or you can deny  
them as moot. We have this negotiated.

THE COURT: Okay.

MR. PARIENTE: I think you have a copy of the guilty --  
actually, you have the original guilty plea agreement to the front of you.

THE COURT: I do. Okay. All right. With respect to Ms. --  
Moustapha, what is the agreement?

MR. PARIENTE: Your Honor, today Mr. Dioubate is going to  
plead guilty to one count of burglary. The State will make no  
recommendation at the time of sentencing and the plea is contingent  
upon Ms. Valentina Knight accepting her plea agreement and entering  
into those negotiations.

THE COURT: Okay. Is that correct, State?

MS. DEMONTE: That's correct, Your Honor. And for  
purposes of the information, the State would ask to strike the amended  
information that was filed and revert back to the original that was on file.

1 THE COURT: Okay. And that's what's attached here?  
2 MS. DEMONTE: It is attached.  
3 MR. PARIENTE: Right. And Judge, I just -- for integration  
4 purposes, just for -- because obviously, we're making a record here,  
5 even though Nevada doesn't distinguish between commercial and  
6 residential burglary, just for purposes of the record, this was a burglary  
7 of a commercial establishment, a business, which would be Bellagio  
8 Hotel and Casino.  
9 THE COURT: Okay.  
10 MS. DEMONTE: That is correct.  
11 THE COURT: All right. That's fine. What's the negotiation  
12 with regards to Ms. Knight?  
13 MR. PARIENTE: Your Honor, this is the same negotiation,  
14 the same offer. She's going to be pleading guilty to burglary. The State  
15 at the time of sentencing will make no recommendation. Additionally,  
16 her agreement is contingent upon Mr. Dioubate pleading guilty in his  
17 case.  
18 MS. DEMONTE: That's correct.  
19 THE COURT: Is that correct?  
20 MS. DEMONTE: That's correct, Your Honor.  
21 THE COURT: Okay. Ms. Knight --  
22 DEFENDANT KNIGHT: Yeah?  
23 THE COURT: Did you hear the representation of your  
24 attorney?  
25 DEFENDANT KNIGHT: Yes.

1 THE COURT: In this particular case, there was a - an  
2 amended information that was filed. The State has said that they're  
3 striking the amended information and were going with the original  
4 information that was filed in this matter. It's attached to the guilty plea  
5 agreement.

6 The amended information that was filed in this matter was  
7 filed September 2<sup>nd</sup>, 2015 and they're charging you with one count of  
8 burglary. It occurred on the 4<sup>th</sup> day of May, 2015. Do you understand  
9 that?

10 DEFENDANT KNIGHT: Yes.

11 THE COURT: Ma'am, how old are you?

12 DEFENDANT KNIGHT: Twenty-nine.

13 THE COURT: How far did you go in your education?

14 DEFENDANT KNIGHT: Two years of college.

15 THE COURT: Do you read and write in the English  
16 language?

17 DEFENDANT KNIGHT: Yes.

18 THE COURT: Did you have an opportunity to read the  
19 information I just addressed?

20 DEFENDANT KNIGHT: Yes.

21 THE COURT: Do you believe you understand the charges  
22 contained in the information?

23 DEFENDANT KNIGHT: Yes.

24 THE COURT: And you heard the representations of your  
25 attorney about your negotiations?

1           DEFENDANT KNIGHT: Yes.

2           THE COURT: Are you in agreements with those  
3 negotiations?

4           DEFENDANT KNIGHT: Yes.

5           THE COURT: So, how do you plead to the charge of burglary  
6 that took place on May 4<sup>th</sup>, 2015? Where it says that you willfully,  
7 unlawfully, and feloniously entered the Bellagio Hotel and Casino  
8 located at 3600 Las Vegas Boulevard here in Las Vegas, Nevada. And  
9 you did so for the -- with the intent to commit larceny. How do you plead  
10 to that?

11          DEFENDANT KNIGHT: Guilty.

12          THE COURT: Ma'am, are you pleading because in truth and  
13 fact you are guilty?

14          DEFENDANT KNIGHT: Yes.

15          THE COURT: And has anyone forced you to enter into this  
16 negotiation at all?

17          DEFENDANT KNIGHT: No.

18          THE COURT: Has anyone made any promise to you in order  
19 to get you to plea this way?

20          DEFENDANT KNIGHT: No.

21          THE COURT: Okay. Are you asking the Court to accept your  
22 negotiations here?

23          DEFENDANT KNIGHT: Yes.

24          THE COURT: Okay. I've been handed a copy of a guilty plea  
25 agreement in this matter that is -- been filed today's date of January 4<sup>th</sup>,

1 2016. On page 5 of that guilty plea agreement, there's a signature  
2 above the name of Valentia [sic] Monee Knight and is dated January 3<sup>rd</sup>,  
3 2017. Is that your signature?

4 DEFENDANT KNIGHT: Yes.

5 THE COURT: Did you sign this?

6 DEFENDANT KNIGHT: Yes, I did.

7 THE COURT: Before you signed it, did you read it?

8 DEFENDANT KNIGHT: Yes.

9 THE COURT: When you read through it, was your attorney  
10 available to answer any questions you may have had?

11 DEFENDANT KNIGHT: Yes.

12 THE COURT: Do you have any questions of your attorney  
13 about the guilty plea agreement before we go any further?

14 DEFENDANT KNIGHT: No.

15 THE COURT: Do you have any questions of the Court?

16 DEFENDANT KNIGHT: No.

17 THE COURT: Can you tell me, based on your reading of the  
18 guilty plea agreement you discussed with your attorney, what's your  
19 understanding of the punishment you're facing for pleading to the charge  
20 of burglary in this matter?

21 DEFENDANT KNIGHT: Probation and I guess I'm not really  
22 clear if we have the 1 to 10 over our head if it doesn't go through, but --  
23 or if we are not successful on probation.

24 THE COURT: Okay. You're facing imprisonment in the  
25 Nevada Department of Corrections of one year -- minimum to ten years

1 maximum. And you must do at least do 40 percent of the maximum.  
2 You're also facing up to a \$10,000 fine and this is probationable. Do  
3 you understand that?

4 DEFENDANT KNIGHT: Yes.

5 THE COURT: Okay. Do you understand that sentencing is  
6 entirely up to the Court and no one is in a position to offer you any  
7 leniency, probation, or special treatment in this matter as it is for my  
8 decision?

9 DEFENDANT KNIGHT: Yes.

10 THE COURT: Okay. Although the State's -- in the case that  
11 they'd be making no recommendation at time of sentencing, it is not a  
12 conditional plea. Meaning that I'm not bound by anything the State or  
13 your attorney tells me.

14 DEFENDANT KNIGHT: Yes.

15 THE COURT: Do you understand?

16 DEFENDANT KNIGHT: Yeah.

17 THE COURT: Okay. With that being said, do you wish to go  
18 forward on this?

19 DEFENDANT KNIGHT: Yes.

20 THE COURT: Can you tell me in your own words and what it  
21 is you did that causes you to plead guilty to the charge of burglary? In  
22 your words, what did you do?

23 DEFENDANT KNIGHT: We had possession of credit cards  
24 that were fraudulently made.

25 THE COURT: Okay. And you entered into the Bellagio with



1 those?

2 DEFENDANT KNIGHT: Yes.

3 THE COURT: And was your intent to use those credit cards  
4 while you were in the Bellagio?

5 DEFENDANT KNIGHT: Yes.

6 THE COURT: Okay. Anything further from the State on that?

7 MS. DEMONTE: No, Your Honor.

8 THE COURT: Okay. All right. Thank you. Mr. Dioubate?

9 DEFENDANT DIOUBATE: Yes?

10 THE COURT: Did you hear the representation of the  
11 negotiation in this matter that your attorney represented to the Court?

12 DEFENDANT DIOUBATE: Yes.

13 THE COURT: Are you in agreements with that?

14 DEFENDANT DIOUBATE: Yes.

15 THE COURT: Okay. I have a copy of a -- of the -- information  
16 in this matter. The amended information that was previously filed has  
17 been stricken and we are using the information that was filed on  
18 September 2<sup>nd</sup>, 2015 in your case.

19 It charges you with one count of burglary. It says that on May  
20 4<sup>th</sup>, 2015 that you -- while here in Las Vegas, Clark County, Nevada, you  
21 willfully, unlawfully, and feloniously entered the Bellagio Hotel and  
22 Casino located at 3600 Las Vegas Boulevard, Las Vegas, Clark County,  
23 Nevada with the intent to commit larceny. Do you understand that  
24 charge?

25 DEFENDANT DIOUBATE: Yes.

1 THE COURT: Okay. Sir, have you had an opportunity to read  
2 the information?

3 DEFENDANT DIOUBATE: Yes.

4 THE COURT: Do you understand the charges contained in  
5 the information?

6 DEFENDANT DIOUBATE: Yes.

7 THE COURT: How old are you?

8 DEFENDANT DIOUBATE: Twenty-eight.

9 THE COURT: How far did you go in your education?

10 DEFENDANT DIOUBATE: Two year in college.

11 THE COURT: So, do you read and write in the English  
12 language?

13 DEFENDANT DIOUBATE: Yes.

14 THE COURT: When you read through this information, was  
15 your attorney available to answer any question you may have had?

16 DEFENDANT DIOUBATE: Yes.

17 THE COURT: Do you have any questions about the  
18 information before we go any further?

19 DEFENDANT DIOUBATE: No.

20 THE COURT: You heard the representation by your attorney  
21 as for the negotiation in this case, is that correct?

22 DEFENDANT DIOUBATE: Yes.

23 THE COURT: So, how do you plead to the charge of burglary  
24 that took place on May 4<sup>th</sup>, 2015?

25 DEFENDANT DIOUBATE: Guilty.

1 THE COURT: Okay. Sir, are you pleading guilty because in  
2 truth and fact you are guilty?  
3 DEFENDANT DIOUBATE: Yes.  
4 THE COURT: Has anyone made any promises to you in  
5 order to get you to plead guilty here today?  
6 DEFENDANT DIOUBATE: No.  
7 THE COURT: Has anyone made any threats in order to force  
8 you to plead here today?  
9 DEFENDANT DIOUBATE: No.  
10 THE COURT: Are you asking the Court to accept your plea to  
11 this charge today?  
12 DEFENDANT DIOUBATE: Yes.  
13 THE COURT: I've been handed a copy of the guilty plea  
14 agreement that's dated -- a date stamp of January 4, 2016. And like Ms.  
15 Knight, on page 5, there's a signature above the name of Moustapha  
16 Dioubate and it's dated January 3<sup>rd</sup>, 2017. Did you sign this?  
17 DEFENDANT DIOUBATE: Yes.  
18 THE COURT: Is that your signature, sir?  
19 DEFENDANT DIOUBATE: Yes.  
20 THE COURT: Okay. When you signed it -- before you signed  
21 it, did you read it?  
22 DEFENDANT DIOUBATE: Yes, I did.  
23 THE COURT: Was your attorney available to answer any  
24 questions you may have had when you read through this?  
25 DEFENDANT DIOUBATE: Yes.

1 THE COURT: Do you believe you understand what's  
2 contained in the guilty plea agreement?

3 DEFENDANT DIOUBATE: Yes.

4 THE COURT: Okay. What's your understanding of what it is  
5 that you're facing for -- as punishment for pleading guilty to the charge of  
6 burglary?

7 DEFENDANT DIOUBATE: Possible prison time and -- maybe  
8 probation if the Court allows it, 1 to 10.

9 THE COURT: Okay. That's correct. You could also be facing  
10 up to a \$10,000 fine.

11 DEFENDANT DIOUBATE: Yes.

12 THE COURT: Do you understand that?

13 DEFENDANT DIOUBATE: Yes.

14 THE COURT: Do you understand that the sentence that I  
15 impose upon you, if I put you in prison that you must serve at least 40  
16 percent of that before you're eligible for parole?

17 DEFENDANT DIOUBATE: Yes.

18 THE COURT: Okay. And this is probationable. So sir, do  
19 you understand that although the State is making a recommendation at  
20 the time of sentencing, anything the State or your attorney tells me is not  
21 binding on the Court for sentencing. Do you understand that?

22 DEFENDANT DIOUBATE: Yes.

23 THE COURT: And no one is in a position to offer you any  
24 type of special treatment, probation, or a leniency as that is up -- solely  
25 for the Court.

1           DEFENDANT DIOUBATE: Yes.

2           THE COURT: Do you understand what I mean?

3           DEFENDANT DIOUBATE: Yes.

4           THE COURT: Okay. With that being said, do you wish to go  
5 forward?

6           DEFENDANT DIOUBATE: Yes.

7           THE COURT: So, tell me in your own words what it is that  
8 you did that causes you to plead guilty to the charge of burglary that  
9 took place on -- was it April 4<sup>th</sup>?

10          MR. PARIENTE: May of --

11          THE COURT: Oh, I'm sorry. May 4<sup>th</sup>, 2015?

12          DEFENDANT DIOUBATE: I entered --

13          THE COURT RECORDER: Start with the mic up to your  
14 mouth.

15          DEFENDANT DIOUBATE: I entered the Bellagio with a --  
16 fraud -- credit card.

17          THE COURT: Was your intent to use those credit cards?

18          DEFENDANT DIOUBATE: Yes.

19          THE COURT: Okay. Anything further from the State?

20          MS. DEMONTE: No, Your Honor.

21          THE COURT: Mr. Pariente?

22          MR. PARIENTE: No, Your Honor.

23          THE COURT: I do find that both, Ms. Knight and Mr.  
24 Dioubate's pleas are voluntarily entered into, that they knowingly  
25 understand the charges against them, understand the consequences of

1 their plea. Therefore, I am going to accept their plea to the charge of  
2 burglary. With that being said, Ms. Knight, are you withdrawing your  
3 motions in this matter, the two motions that were filed on your behalf?

4 MR. PARIENTE: Yes, Your Honor.

5 DEFENDANT KNIGHT: Yes.

6 THE COURT: And Mr. Dioubate, are you withdrawing the two  
7 motions that were filed on your behalf?

8 DEFENDANT DIOUBATE: Yes.

9 THE COURT: Okay. So, I accept their plea. Set this over for  
10 a preparation of a presentence investigation report and set it for  
11 sentencing.

12 MR. PARIENTE: Your Honor -- I'm sorry go ahead.

13 THE COURT: Go ahead.

14 THE COURT CLERK: March 15<sup>th</sup> at 8:30 for sentencing.

15 MR. PARIENTE: Your Honor, if I could be heard on the issue  
16 of bail. Your Honor, I'm going to ask the Court, given that they have  
17 very -- Ms. Knight has no criminal history. Mr. Dioubate has one prior  
18 misdemeanor. As far as their contact for the community, they have a  
19 relative that is willing to let them live with them.

20 I'm asking the Court to consider a \$100,000 bail per  
21 defendant, cash or corporate surety with a source hearing and additional  
22 house arrest as a condition.

23 THE COURT: Do you want to address --

24 MS. DEMONTE: Your Honor, that was their previous bail  
25 posture. If the Court recalls, they -- I put it back on calendar to have

1    them remanded without bail because they went to the state of Wisconsin  
2    where they actually had more ties to the community there than they do  
3    here, being Ms. Knight's family, and were caught in possession of a  
4    forgery laboratory.

5           THE COURT: Well weren't they saying they were going to go  
6    to Florida?

7           MS. DEMONTE: Their motion to take --

8           THE COURT: Was that the initial --

9           MR. PARIENTE: No.

10          MS. DEMONTE: -- them off house arrest stated they were  
11   going to Texas.

12          THE COURT: Oh, okay.

13          MS. DEMONTE: Yes.

14          THE COURT: I knew there was another State.

15          MS. DEMONTE: Yeah.

16          THE COURT: And she's from --

17          MR. PARIENTE: Well --

18          MS. DEMONTE: But she's from --

19          MR. PARIENTE: If I could --

20          MS. DEMONTE: -- yeah.

21          MR. PARIENTE: If I could just explain --

22          THE COURT: Okay.

23          MR. PARIENTE: -- they have a trucking business. So,  
24   travelling is part of their -- that's what they do, but they're not a flight risk.  
25   And I would like the Court -- if the Court's uncomfortable with what I

1 propose, require an in-patient for Las Vegas Recovery Center. They  
2 have the funds that they will put themselves into a 30 day or a 90 day  
3 program.

4 THE COURT: I'm going to deny your motion in light of the fact  
5 the new crime was committed -- or allegedly committed during the -- I  
6 mean, reason why I revoke the bail in the first place. I need to hear  
7 more and that's -- I want to leave that up to the presentence  
8 investigation report.

9 Mr. Pariente, in the time frame, obviously I'm not stopping you  
10 from filing any type of motions that you think appropriate to address this  
11 further, but I wanted -- I don't know a lot about what happened other  
12 than what was just represented in that -- in the motion to revoke bail. I  
13 don't know where they're at on that, what -- I don't know where --

14 MS. DEMONTE: They're pending a preliminary hearing.  
15 They bailed out --

16 THE COURT: Okay.

17 MS. DEMONTE: -- there.

18 THE COURT: All right.

19 MS. DEMONTE: And so now, they're in our --

20 THE COURT: I don't know where --

21 MS. DEMONTE: -- custody.

22 THE COURT: -- what's going to happen with regards to  
23 where they would be going if I was to let them out. You know, I --

24 MR. PARIENTE: I can give you an address if the Court  
25 prefers.



1 THE COURT: I -- I'm going to ask you to put it in writing if  
2 you'd like. If not, I'm going to set a sentencing date while they're in  
3 custody. Until I hear anything further, I'm going to -- okay.

4 MR. PARIENTE: Okay. March 15<sup>th</sup>, is that correct?

5 THE COURT: Yes. Mm-hmm. Okay. All right.

6 [Hearing concluded at 11:04 a.m.]

7 \*\*\*\*\*

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed  
22 the audio/video proceedings in the above-entitled case to the best of my  
ability.

23

24

25

  
Brittany Amoroso  
Court Recorder/Transcriber

FILED

JUN 02 2021

CLERK OF COURT

In the 8th Judicial District Court  
OF NEVADA

Valentina Knight

Petitioner,

Case No. C15309123-2

v.

STATE OF NEVADA

Respondent

June 23, 2021  
8:30 AM

MOTION TO CORRECT AN ILLEGAL  
SENTENCE

On September 2, 2015, Petitioner, Valentina Knight, was charged with One Count of Burglary. Per the Statute NRS 205.060 5. (a) "The crime of burglary does not include the act of entering a commercial establishment during business hours with the intent to commit larceny unless the person has previously been convicted: (a) Two or more times for committing petit larceny within the immediately preceding 7 years; or (b) of a felony". Prior to this instant offense I had no prior record. Per NRS 176.555, The Court may correct an illegal sentence at any time. Johnson v. State, 120 Nev. 296, 89 P.3d 669, 120 Nev. Adv. REP. 33, 2004 Nev. LEXI-

RECEIVED


MAY 15 2021

(Nev. 2004), "Defendant was not required to file a post-conviction petition for a writ of habeas corpus or a motion to correct an illegal sentence." *Edwards v. State*, 90 Nev. 385, 528 P.2d 1023, 1974 Nev. LEXIS 406 (Nev. 1974). "The inherent power to correct an illegal sentence, like the inherent power to modify sentences based on mistakes about a defendant's record, must necessarily include the power to entertain a motion to correct an illegal sentence." The restitution in this case was \$557,760.00, well below the threshold of what constituted a felony conviction. More appropriately, this charge fell under 205.0835, 1. Unless a greater penalty is imposed by a specific statute and unless the provisions of NRS 205.08345 apply under circumstances, a person who commits theft in violation of any provision of NRS 205.0821 to 205.0835, inclusive, shall be punished pursuant to the provisions of this section. 2. If the value of the property or services involved in the theft: (A) is less than \$1,200, the person who committed the theft is guilty of a misdemeanor, (D) If \$1,200 or more but less than \$5,000, the person who committed the theft is guilty of a category D felony and

Shall be punished as provided in NRS 193.130.  
As of current I petitioner, Valentina Knight  
have been convicted of a Class B Felony,  
with this structure I am ~~not~~ NOT eligible  
for any good time and the sentencing  
structure is 4-10 years. Four years  
minimum ten years maximum for  
a Class B Burglary that was  
misclassified. I stand to get no time  
off my front number even if I  
were to program and get good time.  
The sentence was subject to a non-violent  
petit larceny and lacked jurisdiction and  
was subject to numerous Brady v. Maryland  
violations. The DA (The State) violated the  
petitioners rights for due process, when  
charging Defendant outside of NRS 205.060,  
rules. Ineffective counsel furthered the  
negligence in reporting and investigating the facts.  
Additionally this state has changed the  
maximum sentence allowed for a Burglary  
of a business, to be now punishable as  
a C felony as provided in NRS ~~193.130~~ 193.130.  
Per NRS 176.555, "The court may correct  
an illegal sentence at any time."

Wherefore, petitioner respectfully asks this Honorable court to consider arguments and compel this Honorable court to act on valid allegations of an illegal sentence. Please forward request to all interested parties, due to covid-19, law library access is limited ~~and~~ and petitioner does not wish to delay this request any further.

Respectfully submitted this 17th day of May, 2021.

  
Valentina Knight #12283  
Pro Se,  
F.M.W.C.C  
4370 Smiley Rd  
Las Vegas, NV  
89115.

## CERTIFICATE OF SERVICE

I, Valentina Knight, under the penalty of perjury, hereby attest that a true and correct copy of the foregoing Motion TO Correct An Illegal Sentence, was mailed to Clerk of Courts, at 333, Las Vegas Boulevard South, Las Vegas, Nevada 89101, On this 17th day of May, 2021.



Valentina Knight #1228728  
F.M.W.CC  
4370 Smiley RD  
Las Vegas, NV 89115

Existing law establishes the crime of burglary. (NRS 205.060) Section 55 of this bill establishes: (1) certain types of burglary that differ based on the structure in which the crime is committed; and (2) the various penalties imposed for each type of burglary. Existing law authorizes a person to petition the court in which the person was convicted for the sealing of all records relating to the conviction, but excludes certain specified convictions. (NRS 179.245)

#### **BURGLARY; INVASION OF THE HOME**

##### **NRS 205.060 Burglary: Definition; penalties; venue; exception. [Effective through June 30, 2020.]**

1. Except as otherwise provided in subsection 5, a person who, by day or night, enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, is guilty of burglary.

2. Except as otherwise provided in this section, a person convicted of burglary is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000. A person who is convicted of burglary and who has previously been convicted of burglary or another crime involving the forcible entry or invasion of a dwelling must not be released on probation or granted a suspension of sentence.

3. Whenever a burglary is committed on a vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in motion or in rest, in this State, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car traveled during the time the burglary was committed.

4. A person convicted of burglary who has in his or her possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the structure or upon leaving the structure, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$10,000.

5. The crime of burglary does not include the act of entering a commercial establishment during business hours with the intent to commit petit larceny unless the person has previously been convicted:

- (a) Two or more times for committing petit larceny within the immediately preceding 7 years; or
- (b) Of a felony.

[1911 C&P § 369; A 1953, 31] — (NRS A 1967, 494; 1968, 45; 1971, 1161; 1979, 1440; 1981, 551; 1983, 717; 1989, 1207; 1995, 1215; 2005, 416; 2013, 2987)

##### **NRS 205.060 Residential burglary, burglary of a business, burglary of a motor vehicle and burglary of a structure: Definitions; penalties; venue. [Effective July 1, 2020.]**

1. A person who, by day or night, unlawfully enters or unlawfully remains in any:

(a) Dwelling with the intent to commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, is guilty of residential burglary.

(b) Business structure with the intent to commit grand or petit larceny, assault or battery on any person or any felony is guilty of burglary of a business.

Page 1 of 1LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT

Event #

150504 00 4592

## THIS PORTION TO BE COMPLETED BY OFFICERS

Specific Crime <b>FRAUD</b>	Date Occurred <b>5/4/2015</b>	Time Occurred <b>1:05 pm</b>
Location of Occurrence <b>3600 Las Vegas Blvd S, Las Vegas, NV 89109</b>	Sector/Beat <b>M3</b>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

Your Name (Last / First / Middle) <b>Nicholson, Randy</b>						Date of Birth <b>8/2/1950</b>		Social Security # ---	
Race <b>WHITE</b>	Sex <b>MALE</b>	Height <b>6'2"</b>	Weight <b>210</b>	Hair <b>BROWN</b>	Eyes <b>HAZEL</b>	Work Schol. (Hours) <b>2200-0600</b>	(Days Off) <b>Fri - Sat</b>	Business / School <b>Bellagio</b>	
Residence Address & (Number & Street)			Bldg./Apt#	City		State/Zip Code		Res. Phone	
Bus (Local) Address: (Number & Street) <b>3600 Las Vegas Blvd S.</b>			Bldg./Apt#	City <b>Las Vegas</b>		State/Zip Code <b>NV 89109</b>		Occupation <b>Security Officer</b>	
Best place to contact you during the day <b>Bellagio</b>						Best time to contact you during the day <b>2200-0600</b>		Can You Identify <input checked="" type="checkbox"/> Yes the Suspect? <input type="checkbox"/> No	

## DETAILS

On Monday, May 4, 2015 at approximately 9:14 a.m., I, Assistant Supervisor Randy Nicholson responded to the Main Lobby with Supervisor Blanca Pimentel for a report of credit card fraud.

On arrival I met with Moustapha Dioubate and Valentina Knight who were attempting to check into the hotel (Room #31058) using a fraudulent Master Card Credit Card. Both Mr. Dioubates and Ms. Knight were escorted to the Satellite Security Office with Metro being contacted to respond.

I did a safety check of both a white purse, belonging to Ms. Knight, and a tan MC Backpack belonging to Mr. Dioubate. Inside the backpack and in the small pockets on the outside of the backpack I found approximately 26 credit cards under three different names along with two sets of I.D.'s each, under different names. The credit card and I.D. were set aside for Metro.

Assistant Hotel Manager Jacob Dlouhy stated at approximately 1:05 p.m. a black male and a black female (identified later as Moustapha Dioubate and Valentina Knight) checked into the hotel, booking their reservation through ORBITS, using a Maser Card Credit Card (4815880010528620). Mr. Dlouhy stated the hotel was notified from ORBITS the credit card used for the booking was fraudulent, and the credit card had a VISA Card Number on the card and the name on the card was different than what is registered with the credit card number.

*This is the card they claim was given to orbits*

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) Bellagio @ 3600 LVBS, Las Vegas, NV 89109  
ON THE 05 DAY OF May AT 0330 hrs. (AM / PM), 2015

Witness / Officer: [Signature]  
(PRINTED)  
Witness / Officer: T. C. [Signature] PH 1374  
(PRINTED)

[Signature]  
SIGNATURE OF OFFICER GIVING STATEMENT

15F06822B - KNIGHT, VALENTINA

Page 36 of 64



*Steven D. Grierson*

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

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-15-309123-2

VALENTINA MONEE KNIGHT,  
#7018909

DEPT NO: XIX

Defendant.

JUDGMENT OF CONVICTION  
(PLEA OF GUILTY)

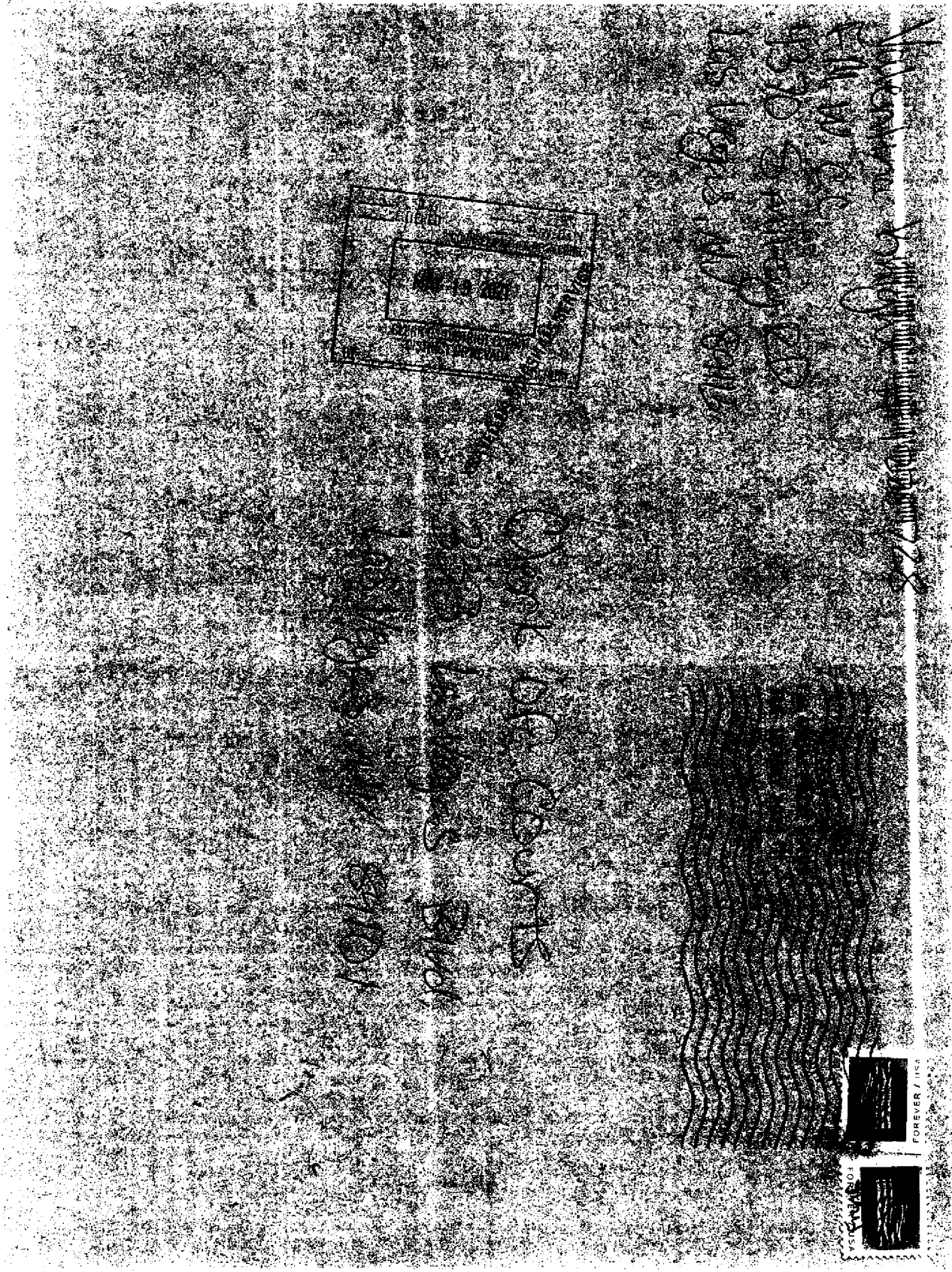
The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime(s) of BURGLARY (Category B Felony), in violation of NRS 205.060; thereafter, on the 12th day of April, 2017, the Defendant was present in court for sentencing with his counsel, JAMES GALLO, ESQ., and good cause appearing,

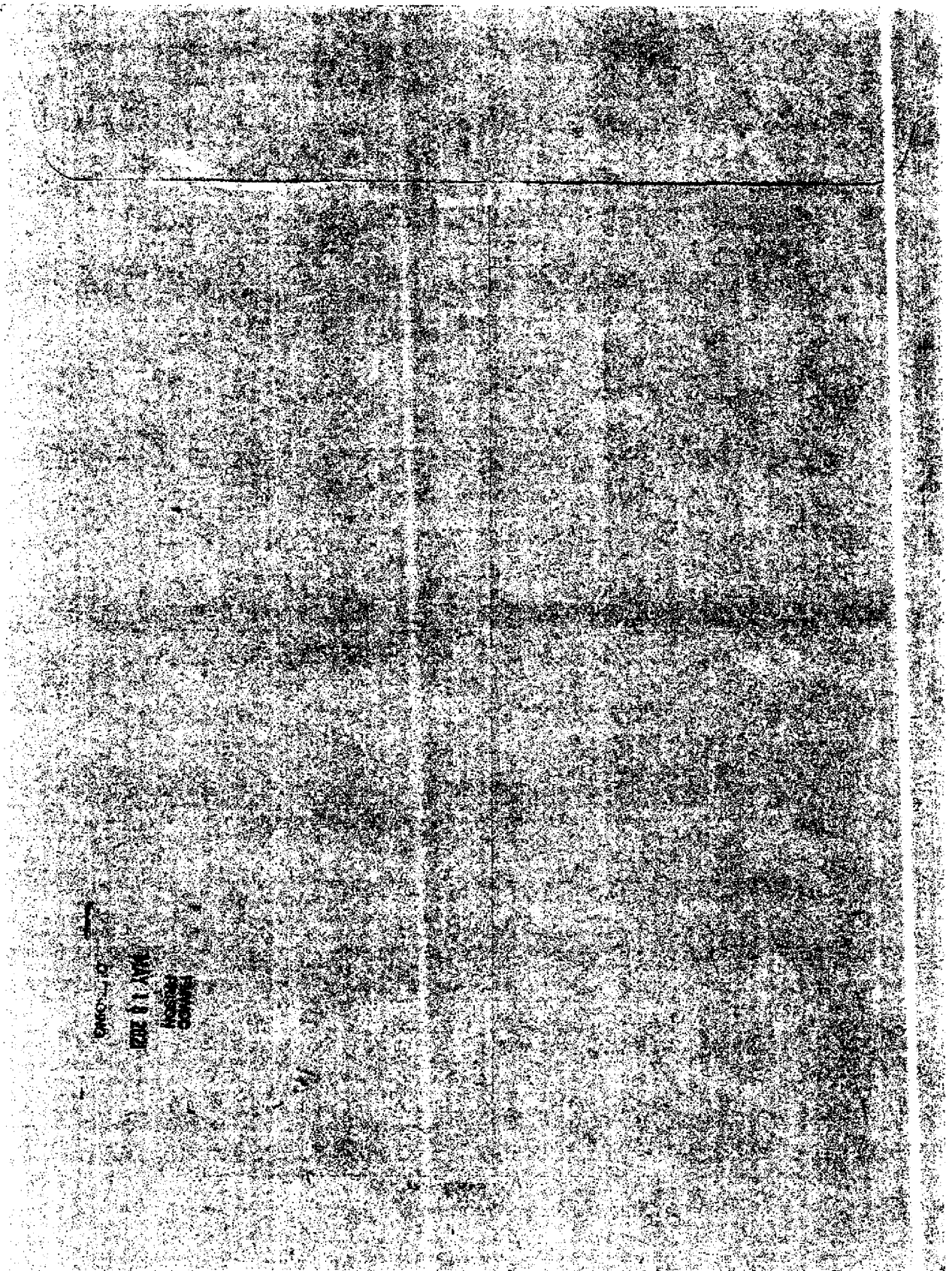
THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in addition to the \$25.00 Administrative Assessment Fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, a \$3.00 DNA Collection fee, a \$5,000.00 fine and restitution in the amount of \$557.76 to be paid jointly and severally with Co-Defendant Moustapha Dioubate, the Defendant is sentenced as follows: to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC); with TWO HUNDRED SEVENTY (270)

///

<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	

20152015F06822\15F06822-JOC-(KNIGHT\_\_VALENTINA)-001.DOCX



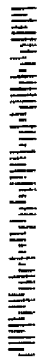


ENCLOSURE  
PAGE 11  
ENCLOSURE



CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
CLERK, GEORGE U.S. COURTHOUSE  
350 N. 3RD ST., SUITE 200, Rm 1004  
LAS VEGAS, NV 89101

Eighth Judicial District Court  
Regional Justice Center  
200 Lewis Ave  
Las Vegas, NV 89101



Florence McClure Women's Correctional Center  
4370 Smiley Rd.  
Las Vegas, NV 89115

In The 9th Judicial District Court of the State of Nevada  
In and for the County of Clark

In the matter of:

Valentina Knight  
Plaintiff/Petitioner  
The State of Nevada  
Defendant/Respondent

Case No: 015301725-2

Dept No.: \_\_\_\_\_

FILED  
COUNSEL/PARTIES OF RECORD  
MAY 27 2021  
CLERK US DISTRICT COURT  
DISTRICT OF NEVADA

**FILED**  
JUN 07 2021

*John J. Blum*  
CLERK OF COURT

**REQUEST FOR SUBMISSION OF MOTION**

It is requested that the Motion for Reply to District Attorney's  
Response To Petitioner's Motion For Writ of Habeas Corpus  
which was filed on the 25 day of May, 2021, in the above-entitled matter be submitted  
to the Court for decision.

The undersigned certifies that a copy of this request has been mailed to all counsel of record.

Dated this 25 day of May, 2021

Respectfully submitted,

*Valentina Knight*

Signature

Valentina Knight  
Print Name

RECEIVED  
JUN 01 2021  
CLERK OF THE COURT

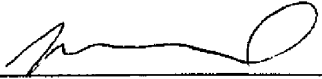
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DECLARATION UNDER PENALTY OF PERJURY

*I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.*

*I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of<sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.*

Dated this 25 day of May, 2021

  
\_\_\_\_\_  
Signature

1728728  
\_\_\_\_\_  
Nevada Department of Corrections ID #

---

<sup>1</sup> NRS 171.102

<sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury  
18 U.S.C.

§ 1621. Perjury generally

1 Valentina Knight #1228728  
2 Florence McClure Women's Correctional Center  
3 4370 Smiley Road  
4 Las Vegas, NV 89115

5 In the 8th Judicial District Court of the State of Nevada  
6 In and for the County of Clark

7 In the matter of:

8 Valentina Knight  
9 Plaintiff/Petitioner  
10 V.  
11 The State of Nevada  
12 Defendant/Respondent

Case No: C-15-309123-2

Dept. No: \_\_\_\_\_

**FILED**

**JUN 07 2021**

*John J. [Signature]*  
CLERK OF COURT

13 **REPLY TO DISTRICT ATTORNEY'S**  
14 **RESPONSE TO PETITIONERS**  
15 **MOTION FOR WRIT OF HABEAS CORPUS**

16 1) COMES NOW, The Petitioner, VALENTINA KNIGHT  
17 in PRO SE, hereby files this reply to the  
18 District Attorney's, Response to Petitioner's  
19 Writ of Habeas Corpus. This reply will  
20 only address points raised in the States  
21 Response that require a reply.

22 2) Petitioners Rebuttal Arguments  
23  
24 The State's Attorney claims that the writ  
25 of Habeas under NRS 34.726 (1) is time  
26 barred. However, Pursuant to NRS 34.500 (3)  
27 "Grounds for discharge in certain cases" "When  
28 the process is defective in some matter of  
Substance required by law

Page Number 1

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**JUN 01 2021**

**CLERK OF THE COURT**

rendering it void." Pursuant to NRS 176.555 "The court may correct an illegal sentence at any time." Additionally Pursuant to NRS 34.500(9) "Grounds for discharge in certain cases. IF it appears on the return of the writ of Habeas Corpus that the petitioner is in custody by virtue of process from any court of this state, or judge or officer thereof, the petitioner may be discharged in any one of the following cases, 9. Where the court finds that there has been a specific denial of the petitioner's constitutional rights with respect to the petitioner's conviction<sup>9</sup> sentence ~~or~~ in a criminal case." In Brimage v. Warden Nev. State Prison 94 Nev. 520, 562, P.2d, 375 (1978), "Petitioners allegations in petition for Writ of Habeas Corpus for post conviction relief contending ineffective assistance of counsel and that guilty plea was not voluntary, constituted a prima facie, showing of good cause for failure to present claim within one year." After sentencing and conviction that took place on April, 12, 2017, I requested counsel to appeal that conviction. On April, 24, 2017, A "Motion TO Request Reconsider-



ation of Revocation was entered by Attorney Gallo. After that motion was entered there was no advice from Counsel advising ~~me~~ me of my options to further appeal beyond that motion. In Lozada Claims it states "Counsel has a constitutionally imposed duty to consult with his client about an appeal" "When there is reason to think either (a) that a rational defendant would want to appeal" or (b) that this particular defendant reasonably demonstrated to Counsel that he was interested in appealing." Roe v. Flores-Ortega, 528 U.S. 470, 480 (2000); Lozada v. State 871 P.2d 944 (Nev. 1994). Also it states that "When the ~~sentenced~~ conviction is the result of a guilty plea, there is no constitutional requirement ~~of~~ that counsel inform a defendant of the right to appeal unless (a) the defendant inquires about an appeal or (b) the defendant may benefit from the advice because of the existence of a direct appeal claim that has a reasonable likelihood of success." The evidence of my (the petitioners) interest in appealing is evident in the submission of the "Motion to

reconsider" on 4/24/2017. In that very motion it is clear also that I would benefit from the advice from counsel to appeal, because in that motion attorney Gallo writes "It is important to note that Ms. Knight had no prior criminal history before being charged in the instant case. Moreover, she had a minor role in the instant offense." Counsel asserts that a 4 to 10 year prison sentence is extreme considering Ms. Knight's lack of criminal history and facts of this case. Counsel respectfully requests that this Honorable Court sentence Ms. Knight to a minimum 12 to 30 month sentence". This is a clear contention that counsel knew that because of the facts of the case that I could benefit from an appeal. After the "Motion to Reconsider" was entered, I heard nothing from my then Attorney and believed there were no other further remedies available. Only through due diligence and after speaking to a "Jail house lawyer" was I made aware of my option to file a writ of

Habeas. I (petitioner) was denied my 6th amendment right to counsel. I presented emails from the company "Orbitz" that would prove actual innocence of a burglary to both Mr. Gallo and Mr. Pariente. Mr. Gallo was hired because I felt that the conflict between my co-defendant was preventing my prior attorney Mr. Pariente from presenting actual innocence evidence. Moreover, I expressed to Mr. Gallo my interests in wanting to sever from my co-defendant because I believed I could not be properly represented because my immigration status was different from his and my lack of record. Mr. Pariente expressed to me that the maximum time I could be convicted of, was a 1-3 year suspended sentence considering my record as well as the amount of restitution of \$557.00. Neither Attorney investigated the charged offense against my record, because the very language of the Class B Burglary, plainly says I should not qualify to be charged under that NRS code. It states under NRS 205.060(5)(A)(b), "The crime of burglary does not include the act of

Entering a commercial establishment during business hours with the intent to commit petit larceny unless the person has previously been convicted: ", "Two or more times for committing petit larceny within the immediately preceeding 7 years; or" "Of a felony." Per the language of that NRS at the time, it was clear had any attorney done due diligence that I did not qualify to be charged with a Class B Burglary. The reason I hired Gallo as well, was because of my co-defendant's immigration status, I wanted to sever because there were concerns that if I did not accept the same plea that he could face being deported. Coupled with my claims of actual innocence and promises of a 1-3 ~~year~~ year, being the "worst case scenario" for a suspended sentence. In Possanisi v. State, 108 Nev. Adv. Rep. 47, 2014 NevLEXIS 57, "A trial court has inherent authority to correct a sentence at any such time if such sentence was based on a mistake of material fact that worked to extreme detriment of the defendant; therefore it has authority to entertain a motion requesting

it to exercise that inherent authority." District court abused its discretion by dismissing defendant's third postconviction petition for a writ of habeas corpus as procedurally barred, without allowing discovery or conducting an evidentiary hearing. Berry v. State, 131 Nev. 957, 363d P.3d 1148, 131 Nev. Adv. Rep. 96, 2015 Nev. LEXIS 117 (Nev. 2015). In McQuiggin v. Perkins, 569 U.S. 185, 135 L. ed. 2d 1019 (2013) The Court decided that actual innocence, if proved, serves as a gateway through which a petitioner may pass whether the impediment is a procedural bar... or, as in this case, expiration of statute of limitations."

The States attorney contends that "Petitioner cannot establish sufficient prejudice." However in Mitchell v. State 109 Nev. 137; 848 P.2d 1060; 1993 Nev. Lexis 23, "Prior to sentencing, defendant filed a motion to withdraw her guilty plea." "After a hearing the district court denied defendants motion and subsequently entered a judgement of conviction of attempted burglary." "On appeal defendant argued that the district court failed to review the entire record in deciding whether to allow defendant to withdraw her plea and in doing so, the trial court failed to perform its duty. The court ~~failed~~ reversed, holding that it was clear abuse of discretion for the trial court to deny defendants motion to withdraw her guilty plea because the defendant provided the trial court with a credible story explaining her actions and denying any criminal intent." "and the State was not prejudiced because defendant filed her motion to withdraw her plea before sentencing." Similarly, as the States attorney points out, I entered a motion to request to withdraw guilty plea on 03/29/2017. While Mr. Gallo did request a continuance to explore holds in Wisconsin (that he did not remedy before conviction in spite of continuance), the State attempts to convince this court that, that was the sole and only purpose for my request to withdraw my guilty plea. The State/Court failed to review the entire record in deciding whether to allow defendant to

withdraw my plea, in doing so the trial  
Court failed to perform its duty. Emails existed  
that would prove actual innocence of a Burglary.  
In addition having ineffective counsel prejudiced me  
in seeing the error in the procedures of  
the Court.

3) States Attorney asserts that under NRS 34.810 that "The petitioners petition is abusive." However Actual innocence claims that can be proved like in "Herrera v. Collins," 506 U.S. 390 (1993) "A substantive claim in which applicant asserts his bare claim of innocence based solely on Newly discovered evidence," In "Mitchell v. State," 122 Nev. "All of his claims were barred except his claims that he was actually innocent," therefore, appellant overcame the procedural bars to that claim." Courts have held that due process is violated when



an innocent person is incarcerated, and the courts have also held that this applies whether the defendant has pled guilty or not guilty." Per NRS 176A.400 (4), "District court has jurisdiction to modify appellant's sentence, where appellant has begun to serve that sentence, only if (1) the district court actually sentenced appellant based on materially false assumptions of fact that worked to appellant's extreme detriment, and (2) the particular mistake at issue was of the type that would rise to level of violation of due process, Passanisi v. State, 108 Nev. Adv. Rep. 47, 2014 Nev. LEXIS, 57. "A trial court has inherent authority to correct a sentence at any such time if such sentence was based on a mistake of material fact that worked to the extreme detriment of the Defendant; therefore, it has authority to entertain a motion requesting it to exercise that inherent authority." In Bousley v. United States, 523 U.S. 614, 140 L. Ed. 2d 828, 118 S. Ct. 1604 (1998), The prisoner claimed that his guilty plea was not knowing and intelligent because he was misinformed by the district court as to the nature of the charged offense. The Supreme Court described what the prisoner would have to

demonstrate to show actual innocence that would entitle him to review of an out-of-time § 2255. The only "new evidence" cited in Bousley was the courts decision in Bailey v. United States, 516 U.S. 137 (1995), which when applied supported his claim of actual innocence." The States attorney fails to address the email from Ortiz, which proves that an actual "Burglary" did not take place at the time of alleged crime. It proves my co-defendant, contrary to the statements of hotel staff and detective, did not possess the credit card used to book the room online that was said to be fraudulent. Instead, statements were perceived as fact and not investigated, demonstrating a lack of due process of the State. In Brady v. Maryland 373 U.S. 83, 83 S. Ct. 1194 106 Ed 21, 215 (1963), "the same result obtains when the State, although not soliciting false evidence, allows it to go uncorrected when it appears." The State questions the time it took for myself to send a letter from Mr. Gallo that supported claims of ineffective counsel that was drafted on September, 22, 2020. The letter was received a week before the writ was to be heard on Oct. 26, 2020. As this court

May be aware of, the mail was drastically effected due to Covid-19. In addition, Jail operations, such as law library, were greatly effected as well. Once petitioner received the letter from Mr. Gallo, research and due diligence needed to be had to inform myself of what kind of claims to raise as well as what my options were in lite of the new evidence at this stage. By the time research was done, considering several delays of the law library, as well as getting copies of said letter, the hearing had been held on October, 26, 2020. The State deprived me of acting on the letter by the delay in sending the States Return and answer to me. Pursuant to NRS. 34.430 (1) Except as otherwise provided in Subsection 2 of NRS 34.745, the respondent shall serve upon the petitioner and file with the court a return and an answer that must respond to allegations of the petition within 45 days or a longer period fixed by the judge or justice. This Court requested the States Attorney to respond by October, 26, 2020. I did not receive a response until December, 18 2020, . However the one year time clock

Starts the day of the discovery of the "Newly discovered evidence." I would be well within those time constraints as the letter was not received until October, 14, 2020. On March 30, 2021 this evidence was submitted to this court. The letter was drafted September 22, 2020. Per NRS 34,800(1) "Petition must be dismissed if delay in filing the petition prejudices the State in responding to the petition or in its ability to retry the prisoner (a) Unless the petitioner shows that the petition is based upon grounds of which he could not have had knowledge by the exercise of reasonable diligence before the circumstances prejudicial to the State occurred" (b) "Unless the petitioner demonstrates that a fundamental miscarriage of justice has occurred in the proceedings resulting in the judgement of conviction or sentence." In the letter from Mr. Gallo, he admits to believe to have "only represented you" (petitioner) "for your first probation revocation hearing. I do not have nor ever had" (emphasis added) "your original file as

Michael Pariente, Esq., was your initial lawyer." Because of this letter dated well after my writ was filed on August, 31, 2020, I, petitioner exerted further due diligence to investigate the facts stated in said letter. In result I found I was further grossly misrepresented, Mr. Gallo claims in said letter to have "only represented you for a brief period after sentencing for your first probation revocation hearing." However that was not a true description of his representation. Mr. Gallo clearly represents me prior to sentencing and conviction because on March, 29, 2017 at the status check Gallo requested a two week continuance "in order to look further into the cases picked up in Wisconsin," Court Minutes All pending motions. Although he erred in this duty it clearly shows he represented me outside of the scope he claims. Additionally, Mr. Gallo ~~was~~ in the "Motion to Reconsider" is not representing me at a "first probation revocation hearing", he is in fact asking for a sentence modification, writing "Counsel respectfully requests that this Honorable Court Sentence M.S. Knight to a minimum 12 to 30 month sentence on

this Category B commercial Burglary." Its plainly clear as well that he did not represent me only at my "first ~~revocation~~ probation revocation hearing" by the language of the only motion he entered for me in this case which was a "Motion to Reconsider", I had not been revoked at this time, the goal of that motion was to lower the amount of time given for the suspended sentence, should I not complete the terms of probation. Mr. Gallo was in fact hired to remedy a conflict of interest between my self and then co-defendant who was sharing the same lawyer as me. Mr. Gallo was hired to also serve us as well as present and investigate the email from Orbitz showing innocence from charged offense. No other motions were entered in consideration of these other requests. If as the States Attorneys claims that "it is clear that Mr. Gallo's sole objective in taking over representation of Petitioner was to assist her in withdrawing her guilty plea should she

have holds in Wisconsin, as that would make her unable to successfully complete probation"; what was stopping my prior attorney Michael Parente of doing that? My previous attorney, if that was my sole concern, could have remedied those holds for both myself and co-defendant if that was the "sole objective" for me hiring Attorney Gallo. Nothing was preventing the prior attorney Parente from remedying holds in Wisconsin, should that have been my only request. So it would only be apparent that there was more substantiated reasons to hire a completely new attorney. It was more apparent that I was not happy with the plea of guilt when innocent, and that I had reached a conflict with then co-defendant that could only be remedied with separate counsel. I had expressed my concern with the plea of guilt to the charged offense, and it is not fair to assume otherwise. In Kimmelman v.

Morrison, 477, U.S. 365, "attorney failed to make obvious and meritorious objection to tainted evidence, forming basis of states case"; appellant was granted relief. ~~THE~~ The evidence submitted to then Attorney Gallo was such that would prove actual innocence. Until letter in question that admits to not "ever had your full file", I could not have known that Gallo did not practice due diligence on the evidence given to him. Being a layman at law I would not have known what to look for to assure that the emails sent to him from Ortiz were never presented to or objected upon for not dismissing the case in light of exculpatory evidence. In Brady v. Maryland, 373 U.S. 83 (1963), it states "It is a requirement that cannot be deemed to be satisfied by mere notice and hearing if a state has contrived a conviction through pretense of a trial which in truth is but used as a means of depriving a defendant of liberty through a deliberate deception of court and jury by the presentation of testimony known to be perjured".

In response to Ground 1 the States attorney commits perjury against this court



by changing the wording in what was stated in a letter from Attorney James Gallo. The State's attorney says "Even if true, that 'counsel did not have petitioners original file' and 'turned over what he did have at the end of representation', does not demonstrate any deficient performance by counsel or prejudice to Petitioner." When in fact the letter states verbatim "I do not have nor ever had your original file", which implies different prejudice because of what was stated and how it was stated. The State has attempted to find a different intended meaning of what was said by attorney Gallo by not quoting it exactly as it was said. Additionally the States Attorney contends that because the Motion for reconsideration of probation was entered, that attorney Gallo did not need my full file for this action. Even if this were true, this does not excuse his other duties not mentioned by the State. Just because Attorney Gallo only entered this motion does not mean that, that was the extent to which he was hired to facilitate. Counsel was ineffective in investigating innocence claims. White record showed time requested to investigate the premise of the Wisconsin Case, by Gallo.

it does not show, motion to remedy  
Conflict of interest from my co-defendant,  
~~whom~~ played a more severe roll in the  
instant crime. There was also no motion  
to dismiss the case on premise of the  
evidence provided to show actual inno-  
cence. In Daniels v. State 100 Nev. 579  
688 P.2d, 315 (1984), "A claim of ineffective  
Counsel is generally based on the factual  
allegations which must be explored at an  
evidentiary hearing." In Riley v. State 93, Nev.  
461, 567 P.2d, 475 It stated "A conviction  
based knowing use of perjured testimony or  
disputed allegations is fundamentally unfair and  
must be set aside. Due process ~~is~~ inevitably  
is denied to accused." While Wisconsin was  
an issue at Sentencing, it was not the sole  
issue, as a layman at law, I discussed my  
Concerns and I trusted Counsel to address  
all of them. I was led to believe that  
the issues of conflict and actual innocence  
would be presented at the time that was  
feasable to do so. The Plea agreement  
was entered because I believed that this  
was the process, I had no way to know  
at the time that I should have not have  
listened to the advice of my Counsel.

Because Attorney Gallo was hired to submit my claims of innocence, remedy conflict of interest and to aid me in retracting my guilty plea, in response to the states notion that gallo "never needed Petitioners original file", Any attorney would need a Petitioner or Defendants full file to fully investigate these claims and to remedy these requests. In Magill v. Dugger, 824 F.2d. 879 (11th Cir 1987) Counsel, who took over case at last minute, did not prepare for trial and did not adequately study preceding counsel's file, thereby prejudicing sentencing verdict that was largely dependent on evidence and arguments at trial". In Crotts v. Smith, 73 F.3d 1383 (9th Cir. 1996) "Counsel was ineffective in failing to object to highly prejudicial evidence which likely would have been excluded if objection had been made." Claims of innocence were not investigated nor was the conflict of interest acted upon which both created prejudice in this case.

In response to grand 2, the State says "The ~~total~~ totality of the record clearly shows the petitioner entered her plea voluntarily that it occurred otherwise should be

denied". However in Riley v. State 93 Nev, 461, 567, P.2d 475, "Conviction based knowing use of perjured testimony or disputed allegations is fundamentally unfair and must be set aside.

The process inevitably is denied to the accused. "One, such as myself that is not versed in the law can ~~not~~ trust in advice of counsel and be ill advised when doing so. Under the advice of counsel I did enter the plea but it was entered involuntarily for several reasons, failure of notifying me of my right to appeal, erroneous advice of counsel, counsel's failure to object, also failed to present arguments.

Again I hired Gallo to remedy conflict of interest between myself and co-defendant. Also Gallo was hired to investigate claims of innocence. Neither was done. In Crotts v. Smith, 73 F.3d 861 (9th Cir. 1995) "trial counsel was ineffective in failing to object to highly prejudicial evidence which likely would have been excluded if objection had been made." In Moore v. Bryant 237 F. Supp 2d 955, "incorrect advice regarding potential sentence affected decision to take guilty plea". When the "deal" for the plea agreement was ~~originally~~ originally introduced to me by Michael Pariente, the suspended sentence

by his account, would not exceed 1-3 years because of the amount of the restitution. This advice ~~etc~~ also aided in my decision in taking the guilty plea. That ineffective advice makes my plea involuntary. In Basey v. State 239, Sw. 3rd 809 "A plea must be entered knowingly, intelligently and voluntarily". Additionally in Hill v. Lockhart, 474, U. S. 52 (1985), "Where a defendant enters a guilty plea upon counsel's advice, the voluntariness of the plea depends on whether the advice was within the range of competence demanded of attorneys in criminal cases. The two part standard adopted in Strickland v. Washington, 466 US 668, 80 L. Ed 2d 674, 104 S Ct 2052, for evaluating claims of ineffective assistance of counsel - requiring that the defendant show that counsel's representation fell below an objective standard of reasonableness, and that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceedings would have been different - applies to guilty plea challenges based on ineffective assistance of counsel." "In order to satisfy the second, or 'prejudice', requirement, the defendant must show that there is a reasonable probability that, but for counsel's errors, he would not have pleaded guilty

and would have insisted on going to trial." By my then Counsel, I was advised that the maximum time that may be granted for such a crime would be maximum 1-3 years, Also Claims of innocence of charged offense was not investigated, when accepting this Plea Agreement I was under the understanding that innocence Claims were being investigated and that a crime that held a restitution of ~~£~~ \$557.00 could not exceed a 1-3yr time completion. Counsel was also negligent in allowing the District attorney to charge me with a Class B felony, Burglary of a business, Considering my lack of record and that the scope of my involvement in the crime and prior record would have excluded me to qualify to be charged with that particular crime at the time of the commission of it. "Counsel has a constitutionally imposed duty to consult with his client about an appeal" when there is reason to think either a. that a rational defendant would want to appeal, or b. that this particular defendant reasonably demonstrated to counsel that he was interested in appealing." Roe v. Flores-Ortega, 528 U.S. 470, 480 (2000); Lozada v. State, 871 P.2d 944 (Ariz. 1994).

In the "Motion to Place on Calendar to Request Reconsideration of Revocation of Probation", it reads from attorney Gallo "Mrs. Knight admittedly bears criminal liability for the instant offense, however, Counsel asserts that a 4 to 10 year prison sentence is extreme considering Ms. Knight's lack of Criminal history and the facts of this case. Counsel respectfully requests that this Honorable Court sentence Ms. Knight to a minimum 12-30 month sentence on this Category B Commercial Burglary." This Motion proves my "demonstration to Counsel that (he) was interested in appealing". I was not made aware of my options to further appeal outside of that motion dated April 24, 2017, which establishes prejudice. Further the State's Attorney claims that "Mr. Gallo's sole objective in taking over representation of petitioner was to assist her in withdrawing her guilty plea should she have holds in Wisconsin, as that would make her unable to successfully complete Probation". The State's Attorney also points out that "at the hearing on March 29, 2017, Mr. Gallo requested a two-week continuance" in order to look further into the cases picked up in Wisconsin". "Court Minutes, all Pending Motions, IF this

was Mr Gallo's "Sole Purpose" in representing me as the State attorney assumes, even in that action Gallo was still ineffective. As States Attorney Quotes "It appears that counsel came to the conclusion that the petitioner was not subject to any holds in Wisconsin, and the parties proceeded with sentencing on April, 12, 2017. It was later realized that petitioner did have holds out of Wisconsin, and it was then that Mr. Gallo filed the motion for reconsideration." In the States attorney's own statements he clearly outlines how my attorney denied me of my rights of due process. If Mr. Gallo was not yet informed of the status of Wisconsin holds, then it was his duty to again ask for a continuance to further execute due process prior to conviction/ sentencing. Instead Mr. Gallo attempted to remedy holds in Wisconsin that he had been aware of prior to sentencing in a Motion to reconsider on April, 24, 2017. It is also clear that he made it clear



to me, his client, that it was "Safe" to go through with Sentencing, by misrepresenting that Wisconsin holds had been dealt with. When Mr. Gallo asked for the continuance on March 29, 2017, it's abundantly clear that if not for Gallo making it seem that everything ~~was~~ was remedied in Wisconsin, then I would not have moved forward but for Mr. Gallo giving advice that everything was settled with Wisconsin and that meant it was OK to move forward with Sentencing / Conviction. Additionally, if the only reason or Attorney Gallo's "sole purpose" was to remedy holds in Wisconsin, why not just ask my prior Attorney Pariente to remedy those same holds, I would not need a separate attorney from my co-defendant to achieve that. In Magill v. Dugger, 824 F.2d 879 (11th Cir) 1987, "Counsel who took over case at last minute, did not prepare for trial and did not adequately study preceeding

Counsel's file, thereby prejudicing  
sentencing verdict that was largely  
dependent on evidence and arguments  
at trial." If Mr. Gallo was negligent  
in reviewing my full original file,  
and as the State's attorney says  
that he didn't need it, then due  
process was apparently ~~not~~ denied  
to me reviewing even just the holds  
in Wisconsin, if that were to be  
the extent to which Mr. Gallo was  
to represent me, should require review  
of a client's back ground, review  
of the facts in the case and  
review of the charged offense against  
the police report and witness reports  
to educate Mr. Gallo on the scope  
of what to ask the State for  
in the ~~the~~ event there were holds  
or what not to ask for. So  
to assume or suggest that prior to  
my conviction my attorney of record  
should not be familiar with the  
facts of this case is cruel and unusual  
In Riley v. State 93 Nev. 567 P.2d 475

"Conviction based knowing use of perjured testimony or disputed allegations is fundamentally unfair and must be set aside. Due process inevitably is denied to the accused." In Brimage v. Warden Nev. State Prison 94 Nev. 520, 582 P.2d 375 (1978) "contending ineffective Assistance of counsel, and that plea was not voluntary, constituted a prima facie showing of good cause for failure to present claim within one year.

In Ground 3 the State does not recognize valid claims of my 8th amendment right being violated. "Excessive bail shall not be required, nor excessive fines imposed, nor cruel unusual punishment inflicted." My bail was \$100,000, plus the cost of and restraint of House arrest. This is cruel and unusual punishment as I had no record prior to this instant offense as well as this offense was non-violent with

a restitution that would only amount to a petit larceny. Bail was excessive. Restitution in this case was \$1537.76.00, shared between two defendants. The States Attorney ignores claims nor acknowledges them which the law says if claims are stated by petitioner and the government did not claim otherwise, then the law states that the fact you claimed is true.

In ground four, the State is correct on the one count that the consequences of program credits were collateral and my attorney had no obligation to inform me of them. After due diligence that is a true statement of fact. However they (the State's Attorney) fails to address my comments of my lawyer Michael Parante presenting me a plea deal to sign of 1-3 years. This was presented as the worst case ~~scenario~~ scenario. Also neither Attorney Gallo or Parante advised me "on the gravity of what it meant to accept a class B felony". What

I meant by that was, that I was not made aware of how that would affect my record and that such a high class of felony would affect sentencing for me in open cases in Wisconsin. As the State openly admits, Attorney Gallo allowed me to take a plea deal without remedying holds in Wisconsin before conviction, or at least becoming knowledgeable on those holds in Wisconsin and if those holds would affect me if I took the guilty plea. Bousley v. United States, 523 U.S. 614, 140 L. Ed. 2d 828; 118 S. Ct. 1604 (1998), "The prisoner claimed that his guilty plea was not knowing and intelligent because he was misinformed by the district court as to the nature of the charged offense." Coupled with this ground and other valid claims petitioner asks that this writ of Habeas Corpus be granted.

## Conclusion

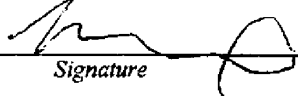
For the above stated reasons, petitioner respectfully asks that the writ of Habeas Corpus be granted.

### DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 25 day of May, 2021

  
Signature

1228728  
Nevada Department of Corrections #

<sup>1</sup> NRS 171.102

<sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury

18 U.S.C.

§ 1621. Perjury generally

CERTIFICATE OF MAILING

STATE OF NEVADA

COUNTY OF Clark

I am the ☒ Plaintiff/Petitioner ☐ Defendant/Respondent

Valentina Knight for Case No: 015309123-2

On this 25 day of May, 2021, I mailed a copy of the

Following document(s):

1. Reply to district attorneys response

2. Submission of Motion

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

By United States First Class Mail, to the following addresses:

1. Clerk of Court  
5th Judicial District  
200 Lewis Ave  
Las Vegas NV 89155

2. District Attorneys Office  
200 Lewis Ave  
Las Vegas NV 89155

3. Attorney General  
555 E. Washington Ave  
Suite 3400  
Las Vegas, NV 89101

4. \_\_\_\_\_  
\_\_\_\_\_  
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Dated this 25 day of May, 2021.

Respectfully submitted,



Signature

Valentina Knight

Printed Name


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DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 23 day of May, 2021

  
Signature

1228728  
Nevada Department of Corrections ID #

<sup>1</sup> NRS 171.102

<sup>2</sup> NRS 208.165

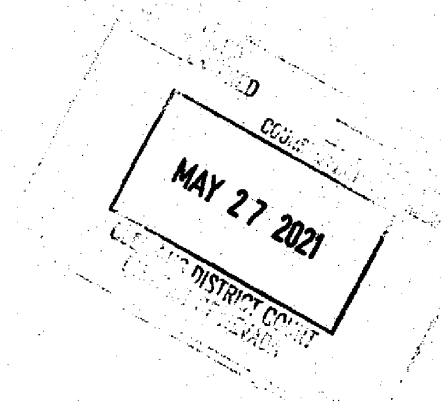
<sup>3</sup> 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury  
18 U.S.C.

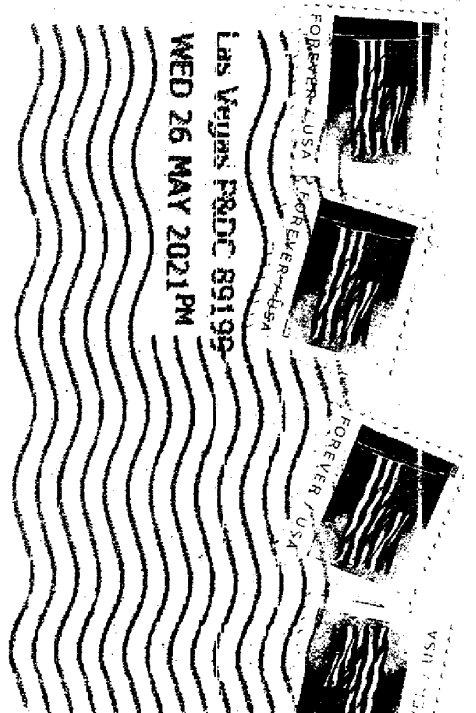
§ 1621. Perjury generally



Valentina Knight  
FMDC # 12280728  
4375 Smiley Rd.  
Las Vegas NV 89115



Eighth District Court Clerk  
333 Las Vegas Blvd.  
Las Vegas NV. 89101



CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
LLOYD D. GEORGE U.S. COURTHOUSE  
333 LAS VEGAS BLVD. SO. - RM 1334  
LAS VEGAS, NV 89101

OFFICIAL BUSINESS

Eighth Judicial District Court  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89101

FILED

JUN 22 2021

CLERK OF COURT

JUN 16 2021

Florence McClure Women's Correctional Center  
4370 Smiley Road  
Las Vegas, NV 89115

In the 8th Judicial District Court of the State of Nevada  
In and for the County of Clark

In the matter of:

Valentina Knight  
Plaintiff/Petitioner  
v.  
State of Nevada  
Defendant/Respondent

July 14, 2021  
8:30 AM

Case No:

Dept. No: C-15-309123-2  
Dept. 3

Comes now, Petitioner, Valentina Knight, pursuant to NRS 176.555 "Correction of an illegal sentence at any time". To order petitioners presence at the hearing currently scheduled for the 23rd day of June 2021.

Wherefore, Petitioner respectfully requests the Petitioners presence at the hearing be ordered, and the Sheriff of Clark County arrange the transporting of the petitioner to the hearing.

RECEIVED

JUN 21 2021

CLERK OF THE COURT

Page Number 1

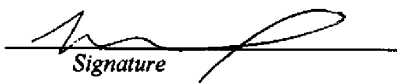
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DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 12<sup>th</sup> day of June, 2021

  
Signature

1228728  
Nevada Department of Corrections #

<sup>1</sup> NRS 171.102

<sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury

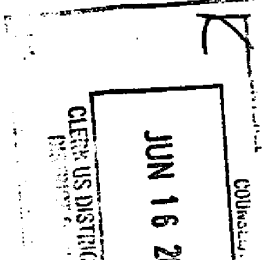
18 U.S.C.

§ 1621. Perjury generally

Valentine Knight #1228728  
J.C.C.  
#3 Prison RD  
Jean, NV 89019



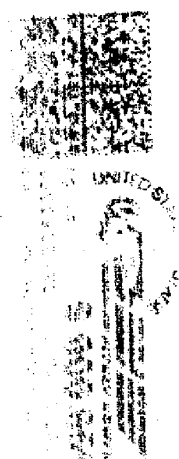
Eighth District Court Clerk  
333 Las Vegas Blvd  
Las Vegas, NV 89101



CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
LLOYD D. GEORGE U.S. COURTHOUSE  
333 LAS VEGAS BLVD. SO. - RM 1334  
LAS VEGAS, NV 89101

OFFICIAL BUSINESS

Client's Office  
Eighth Judicial District Court for Clark County  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101



In the 8th Judicial District Court  
OF NEVADA

*PP*  
*DA*  
Valentina Knight,  
Petitioner,

August 2, 2021  
8:30 AM

FILED

JUL 08 2021

*Shirley*  
CLERK OF COURT

State of Nevada,  
Respondent,

Case No. C15309123-2

Motion to Change Address  
of Petitioner

On June, 8, 2021 Petitioner,  
Valentina Knight, was transferred to  
Jean Conservation Camp at #3  
Prison RD, Jean, NV 89019, and  
wishes to update this Honorable  
Court of her updated address.

Wherefore now, Petitioner respectfully  
asks this Honorable Court to update  
petitioners address.

Respectfully Submitted this 2nd day of  
July, 2021

RECEIVED

JUL -7 2021

CLERK OF THE COURT

*ml*

Valentina Knight

#1228728

S.C.

#3 Prison Rd


Jean, Nevada

89019



### Certificate of Service

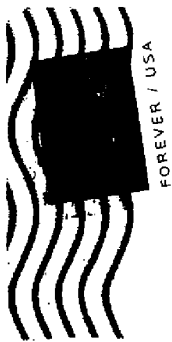
I, Valentina Knight, under penalty of perjury, hereby attest that a true and correct copy of the foregoing Motion To Change Address, was mailed to Clerk Of the Court, 200 Lewis Avenue, 3rd floor Las Vegas, NV 89155

  
Valentina Knight  
J.C.C.  
# 3 prison RD  
Jean, NV 89113

Valentina Knight #160, 50  
J.C.C.  
#3 Prison 2D  
Sean, NV 89019

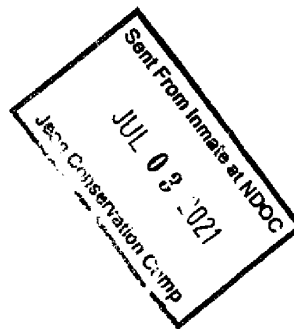
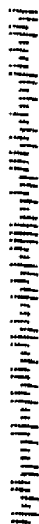
LAS VEGAS NV 890

3 JUL 2021 PM 5 L



Clerk Of The Court  
200 Lewis Ave, 3rd floor  
Las Vegas, NV 89155

89101-630000



Florence McClure Women's Correctional Center  
4370 Smiley Rd.  
Las Vegas, NV 89115

FILED

JUL 28 2021

*Ally L. Williams*  
CLERK OF COURT

In The 8th Judicial District Court of the State of Nevada  
In and for the County of CLARK

In the matter of:

STATE OF NEVADA )

Plaintiff/Petitioner )

VALENTINA KNIGHT )

Defendant/Respondent )

Case No: C15309123-2

Dept No.: \_\_\_\_\_

**REQUEST FOR SUBMISSION OF MOTION**

It is requested that the Motion for

\_\_\_\_\_ which was filed on the 21st day of July, 2021, in the above-entitled matter be submitted to the Court for decision.

The undersigned certifies that a copy of this request has been mailed to all counsel of record.

Dated this 21st day of July, 2021.

Respectfully submitted,

  
\_\_\_\_\_  
Signature

Valentina Knight  
\_\_\_\_\_  
Print Name

FILED

JUL 28 2021

*Ann L. Blum*  
CLERK OF COURT

1 Florence McClure Women's Correctional Center  
2 4370 Smiley Rd.  
3 Las Vegas, NV 89115

4 In the 8th Judicial District Court of the State of Nevada

5 In and for the County of CLARK

6 In the matter of:

7 STATE OF NEVADA  
8 Plaintiff/Petitioner

Case No: C15309123-2

9 VALENTINA KNIGHT  
10 Defendant/Respondent

Dept No.: August 18, 2021  
8:30 AM

11 MOTION TO AMEND JUDGMENT OF CONVICTION TO INCLUDE JAIL TIME CREDITS

12 Date of Hearing: January 15, 2020

Time of Hearing: 8:30 Am

13 "Oral Argument" Requested: ☒ Yes ☐ No

14 COMES NOW, Defendant, Valentina Knight in Proper  
15 Person and respectfully moves this Honorable Court for and ORDER granting  
16 Defendant credit for all time served in presentence custody, (a combined  
17 total of roughly 335 days) in the above-entitled matter, and for the  
18 Amended Judgment of Conviction reflecting said credits.

19 This motion is made and based on the accompanying Memorandum of Points  
20 and Authorities and attached Affidavit of Defendant.

21 Dated this 21st day of July, 2021

22 Respectfully submitted,

23 *Valentina Knight*  
24 Signature

25 Valentina Knight  
26 Print Name

27  
28  
CLERK OF THE COURT

RECEIVED  
JUL 26 2021

1 Florence McClure Women's Correctional Center  
2 4370 Smiley Rd.  
3 Las Vegas, NV 89115

4 In the 8th Judicial District Court of the State of Nevada

5 In and for the County of CLARK

6 In the matter of:

7 STATE OF NEVADA

8 Plaintiff/Petitioner

9 VALENTINA KNIGHT

10 Defendant/Respondent

Case No: C15309123-2

Dept No.: \_\_\_\_\_

11 **AFFIDAVIT**

- 12 1. I am the defendant in the above-entitled action untrained in the  
13 law;  
14 2. I make this Affidavit in support of my Motion for Amended Judgment  
15 of Conviction for the time I spent in presentence custody in  
16 connection with the above-entitled action;  
17 3. I have not received any/all credits in my original Judgment of  
18 Conviction for the time I spent in presentence custody in connection  
19 with the above-entitled action;  
20 4. I was sentenced in the above-entitled action on or about  
21 01/15/2020, and prior to sentencing served 335 days in custody  
22 from Sep. 2, 2015 through Jan. 15, 2020;  
23 5. That I believe I should be credited with a total of 335 days  
24 pursuant to NRS 176.055 for the time spent in custody prior to  
25 sentencing.  
26 6. If I am not given the credits sought, I will be incarcerated and  
27 deprived of my freedom and liberty for a period longer than allowed  
28 by law, and the sentence imposed by this court, unless this  
Honorable Court takes corrective action to provide full credit for  
all the time spent in custody prior to the imposition of sentence in  
the above-entitled action.

29 **DECLARATION UNDER PENALTY OF PERJURY**

30 I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to  
31 penalties of perjury.

32 I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing  
33 information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS  
34 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

35 Dated this 21st day of July, 20 21

36 [Signature]  
37 Signature

38 1228728  
Nevada Department of Corrections ID #

39 <sup>1</sup> NRS 171.102

40 <sup>2</sup> NRS 208.165

41 <sup>3</sup> 28 U.S.C.

42 §1746. Unsworn declarations under penalty of perjury

43 18 U.S.C.

44 § 1621. Perjury generally

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The common law rule, although discretionary in nature, has been held applicable regardless of the sentence imposed, be it maximum, minimum, or whatever. See Anglin v. State, 90 Nev. 287, 525 P.2d 34 (1979). And to all classes of defendants. Moreso, to indigent defendant who is unable to post bail, in which case the awarding of presentence credits becomes mandatory.

Whenever a sentence of imprisonment in the state prison is imposed, the court may order that credit be allowed against the duration for the sentence, including any minimum term thereof prescribed by law, for the amount of time which the defendant actually spent in confinement before conviction, based on two premises, where (1) Bail has been set for the defendant and (2) The defendant was financially unable to post bail. Under such circumstances, the district court must allow such credits. To provide otherwise would tolerate invidious discrimination based upon a defendant's financial status. (Emphasis added). See Anglin v. State, 525 P.2d at 37. NRS 176.055 (1989)

If a defendant is found guilty and is... (b) sentenced as provided by law, the judgment of conviction must set forth... the exact amount of credit granted for the time spent in confinement before conviction, if any.

357

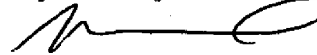
1           However, neither the common law nor statutory rule of awarding  
2 presentence credits is being applied to the Defendant's case. In  
3 essence, Defendant, an indigent person, is being denied equal  
4 protection of the laws and his actual due process rights, in violation  
5 of the Fourteenth Amendment to the United States Constitution and  
6 Article #4 of the Nevada Constitution.

7           Furthermore, since the Nevada Department of Corrections uses a  
8 method of calculation whereby the back date the sentencing date by the  
9 total amount of jail time credits, and inmate receives...denying  
10 defendant credit directly effects the amount of time the defendant must  
11 remain in custody.

12           THEREFORE, for those reasons cited above, Defendant respectfully  
13 requests Honorable Court to issue and grant an Amended Judgment of  
14 Conviction reflecting the actual time served in the county jail and to  
15 be accredited this award as expeditiously as possible, and that  
16 Defendant herein seeks to have this Honorable Court issue its  
17 Orders granting the Defendant credit for a total of 335 days credit  
18 against the term of imprisonment and that the District Court direct the  
19 Clerk to notify the Nevada Department of Corrections, as well as the  
20 Defendant, by certified copies of the same Order of the credit due this  
21 Defendant.

22           Dated this 21st day of July, 2021

23           Respectfully submitted,

24           

25           Signature

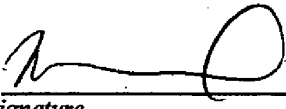
26           Valentina Knight  
27           Print Name

DECLARATION UNDER PENALTY OF PERJURY

*I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.*

*I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.*

Dated this 21st day of July, 2021

  
Signature

1228728  
Nevada Department of Corrections ID #

<sup>1</sup> NRS 171.102

<sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury  
18 U.S.C.

§ 1621. Perjury generally



CERTIFICATE OF MAILING

STATE OF NEVADA  
COUNTY OF CLARK

I am the ☐ Plaintiff/Petitioner ☒ Defendant/Respondent

Valentina Knight

for Case No: \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I mailed a copy of the

Following document(s):

1. Motion to Amend SOC To include Jail time,
2. Affidavit
3. Order
4. Request for Submission Of Motion,
5. \_\_\_\_\_

By United States First Class Mail, to the following addresses:

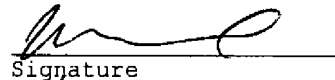
1. Eighth Judicial  
District Court Clerk  
200 Lewis Avenue  
Las Vegas, NV 89155

2. Notice of Change  
of address

3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated this 21st day of July, 2021.

Respectfully submitted,

  
Signature

Valentina Knight  
Printed Name

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DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 21st day of July, 2021

[Signature]

Signature

1228728

Nevada Department of Corrections ID #

<sup>1</sup> NRS 171.102

<sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury

18 U.S.C.

§ 1621. Perjury generally

### STATEMENT OF FACTS

I was arrested and held at the L.A. County Jail awaiting transport to Nevada Department of Corrections from approximately November, 11, 2019 to approximately December, 1, 2019. Further before revocation of Probation and at Sentencing I had a total of 270 days credit. When arrested on November, 11, 2019 to the date of revocation on January 15, 2020 is a total of 65 additional days served prior to revocation. I would ask this honorable court to have the record updated to show all credit for time served. Thank you so much for your time.

4370 Smiley RD  
Las Vegas, NV 89115

JUL 26 2021

Eighth Judicial District  
D. S. CLERK OF THE COURT

Client of the Court  
260 Lewis Ave, 3rd Fl.  
Las Vegas, NV 89155

[illegible]

NSF3761

AUG 13 2021

RECEIVED



1 **OPPS**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #1565  
5 JONATHAN VANBOSKERCK  
6 Chief Deputy District Attorney  
7 Nevada Bar #6528  
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 VALENTINA MONEE KNIGHT,  
13 #7018909  
14 Defendant.

CASE NO: C-15-309123-2

DEPT NO: III

15 **STATE'S OPPOSITION TO DEFENDANT'S MOTION TO CORRECT**  
16 **ILLEGAL SENTENCE**

17 DATE OF HEARING: AUGUST 18, 2021  
18 TIME OF HEARING: 8:30 A.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 Opposition to Defendant's Motion  
22 to Correct Illegal Sentence.

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\2015\196\54\201519654C-OPPM-(VALENTINA KNIGHT)-001.DOCX

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On September 2, 2015, Valentina Knight ("Defendant") was charged by way of  
4 Information with Burglary (Category B Felony – NRS 205.060). Defendant's Guilty Plea  
5 Agreement was filed on January 4, 2017, wherein Defendant agreed to plead guilty to the  
6 charge. Defendant appeared before the court for sentencing on April 12, 2017 and was  
7 sentenced to a minimum of forty-eight (48) months and a maximum of one hundred twenty  
8 (120) months, with two hundred seventy (270) days credit for time served. Defendant's  
9 sentence was suspended, and Defendant was placed on probation for an indeterminate period  
10 not to exceed five (5) years. Defendant's Judgment of Conviction was filed on May 1, 2017.

11 Defendant appeared before the court for a probation revocation hearing on January 15,  
12 2020, at which Defendant's probation was revoked and the original sentence was imposed.  
13 Defendant's Amended Judgment of Conviction was filed on January 17, 2020. Defendant did  
14 not appeal. Defendant filed her first Petition for Writ of Habeas Corpus on August 31, 2020.  
15 The State's Response was filed on October 9, 2020. Defendant's first Petition was denied on  
16 October 26, 2020.

17 Defendant filed a second Petition on March 30, 2021. The State's Response was filed  
18 on May 6, 2021. Defendant's second Petition is pending hearing following the hearing of the  
19 instant Motion.

20 **ARGUMENT**

21 **I. DEFENDANT IS NOT ENTITLED TO A SENTENCE MODIFICATION**

22 In general, a district court lacks jurisdiction to modify or vacate a sentence once the  
23 defendant has started serving it. Passanisi v. State, 108 Nev. 318, 322, 831 P.2d 1371, 1373  
24 (1992), overruled on other grounds; Harris v. State, 130 Nev. 435, 621, 329 P.3d 619, 627  
25 (2014). A motion to correct or modify an illegal sentence may only challenge the facial legality  
26 of the sentence: either the district court was without jurisdiction to impose a sentence or the  
27 sentence was imposed in excess of the statutory maximum. Edwards v. State, 112 Nev. 704,  
28 708, 918 P.2d 321, 324 (1996). However, a district court does have inherent authority to

1 correct, vacate, or modify a sentence where the defendant can demonstrate the sentence  
2 violates due process because it is based on a materially untrue assumption or mistake of fact  
3 that has worked to the defendant's extreme detriment. Id. at 707, 918 P.2d at 324.

4 Here, Defendant's Amended Judgment of Conviction following the revocation of her  
5 probation was filed on January 17, 2020. Accordingly, Defendant began serving her sentence  
6 on that day. Defendant did not file the instant Motion until June 2, 2021, over one (1) year and  
7 four (4) months later. Respectfully, this Court lacks jurisdiction to consider Defendant's  
8 motion, and therefore it should be summarily denied.

9 **II. DEFENDANT'S CLAIMS REGARDING NRS 205.060 ARE WAIVED**  
10 **AND WITHOUT MERIT**

11 Defendant complains that she was improperly charged because per NRS 205.060, the  
12 "crime of burglary does not include the act of entering a commercial establishment during  
13 business hours with the intent to commit larceny" unless the person has previously been twice  
14 convicted of petit larceny or another felony. Motion at 1. Defendant's argument is incorrect  
15 and must be denied.

16 First and foremost, Defendant's claim is waived because she pled guilty and waived  
17 her right to bring the instant claim. Guilty Plea Agreement at 4. Further, Defendant agreed  
18 "that by pleading guilty [she] admit[s] the facts which support all the elements of the offense(s)  
19 to which [she] [] plead" guilty. GPA at 2. Even should this Court consider her argument, it  
20 must nevertheless be denied for lack of merit.

21 The Information by which Defendant was charged with Burglary states that Defendant  
22 "willfully, unlawfully, and feloniously enter[ed], with *intent to commit larceny*," the Bellagio  
23 Hotel and Casino. GPA: Exhibit 1. Thus, Defendant was not charged under NRS 205.060 with  
24 Burglary for entering a commercial establishment with the intent to commit *petit* larceny.  
25 Rather, Defendant admitted that she entered the Bellagio with the intent to commit a felony  
26 and agreed to those underlying facts during her plea canvass.

27 Specifically, the district court and Defendant discussed the factual basis for her plea as  
28 follows:

1 THE COURT: Can you tell me in your own words and what it is you did  
2 that causes you to plead guilty to the charge of burglary? In your words,  
3 what did you do?

4 DEFENDANT KNIGHT: We had possession of credit cards that were  
5 fraudulently made.

6 THE COURT: Okay. And you entered into the Bellagio with those?

7 DEFENDANT KNIGHT: Yes.

8 THE COURT: And was your intent to use those credit cards while you were  
9 in the Bellagio?

10 DEFENDANT KNIGHT: Yes.

11 Recorder's Transcript of Hearing Re: Pretrial Conference, filed April 20, 2021, at 7-8. Further,  
12 Defendant's arrest report indicates that she had possession of a fraudulent credit card in the  
13 name of Laura Banks, which she handed to her co-defendant when the Bellagio front desk  
14 worker asked to see the card used to book the room. Exhibit 1 at 1. Defendant therefore also  
15 was committing the crime of Obtaining or Possessing a Credit or Debit Card without Consent  
16 of Cardholder, also a felony. NRS 205.690.

17 Ultimately, Defendant waived her right to raise the instant claim when she entered a  
18 guilty plea. Regardless, her argument regarding the statutory language is plainly incorrect.  
19 Accordingly, her claim must be denied.

### 20 **III. DEFENDANT'S ALLEGATIONS OF INEFFECTIVE ASSISTANCE OF** 21 **COUNSEL ARE NOT PROPERLY RAISED**

22 Defendant asserts that "ineffective counsel furthered the negligence in reporting and  
23 investigating the facts." Motion at 3. This claim must be denied.

24 "A post-conviction petition for a writ of habeas corpus is the exclusive remedy for  
25 challenging the validity of a conviction or sentence aside from direct review of a judgment of  
26 conviction on appeal and 'remedies which are incident to the proceedings in the trial court.'  
27 NRS 34.724(2)(a)." Harris v. State, 130 Nev. 435, 447, 329 P.3d 619, 621 (2014). This Court  
28 should decline to consider this pleading as a Petition for Writ of Habeas Corpus because  
Defendant fails to address the mandatory requirements of NRS 34.735.

NRS 34.735 directs defendants to file petitions in a manner substantially consistent with  
the form provided by that statute. Defendant has failed to comply with that directive. She has



1 failed to include in her petition the date of the judgment of conviction, whether or not she is  
2 currently serving a sentence under this case number or any other, whether she appealed from  
3 the judgment of conviction – and if not, why not – whether she has previously filed any  
4 petitions, applications, or motions with respect to the judgment in this case, or whether any  
5 petition or appeal with respect to this judgment of conviction is pending in any court.  
6 Defendant's filing is not substantially consistent with the form provided by NRS 34.735 and  
7 therefore, this Court should deny this Motion.

8 Should this Court be inclined to address this complaint on the merits, it is a naked  
9 assertion suitable only for summary denial. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d  
10 222, 225 (1984) (stating "bare" and "naked" allegations are not sufficient to warrant post-  
11 conviction relief, nor are those belied and repelled by the record.). Moreover, as discussed  
12 above, Defendant's claim regarding NRS 205.060 is incorrect and therefore counsel could not  
13 have been defective for failing to make the argument Defendant now raises. Her claim must  
14 be denied.

15 **CONCLUSION**

16 For the foregoing reasons, the State respectfully requests that this Court DENY  
17 Defendant's Motion.

18 DATED this 29<sup>th</sup> day of July, 2021.

19 Respectfully submitted,

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

23 BY

BB  
24 JONATHAN VANBOSKERCK  
25 Chief Deputy District Attorney  
26 Nevada Bar #6528

27 for  
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**CERTIFICATE OF MAILING**

I hereby certify that service of the above and foregoing was made this 29<sup>th</sup> day of July, 2021, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

VALENTINA KNIGHT, BAC #1228728  
FLORENCE MCCLURE WOMEN'S CORRECTIONAL CENTER  
4370 SMILEY RD.  
LAS VEGAS, NV, 89115

BY Corina Garcia  
C. Garcia  
Secretary for the District Attorney's Office

JV/hb/cg/L2

**“EXHIBIT 1”**

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
ARREST REPORT**

☐ City      ☒ County      ☒ Adult      ☐ Juvenile      Sector/Beat M3

ID/EVENT# <b>7018909</b>	ARRESTEE'S NAME (Last) (First) (Middle) <b>KNIGHT VALENTINA MONEE</b>			S.S.# <b>REFUSED</b>
ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) <b>2870 W. MILL ROAD #E MILWAUKE, WI 53209</b>				
CHARGES <b>BURGALRY, CONSP BURGALRY, CONSO FORGED CC, FORGED CC (18 COUNTS) OUIA TO COMMIT FORGERY, OUIA DOCUMENT FOR FALSE STATUS</b>				
OCURRED	DATE <b>05/04/15</b>	DAY OF WEEK <b>MONDAY</b>	TIME <b>2145</b>	LOCATION OF ARREST (Number, Street, City, State, Zip Code) <b>3600 S. LAS VEGAS BLVD LAS VEGAS, NEVADA 89109</b>
RACE <b>B</b>	SEX <b>F</b>	D.O.B. <b>06/13/87</b>	HT. <b>5'3"</b>	WT. <b>130</b>
HAIR <b>BLK</b>		EYES <b>BRO</b>		PLACE OF BIRTH <b>UNKNOWN</b>
ARRESTING OFFICER #1: <b>T. PANDULLO</b>		P#: <b>7884</b>		ARRESTING OFFICER #2: <b></b>
CONNECTING REPORTS (Type or Event Number) <b>ARREST PACKET, MISC DOCS, 150504-4592</b>				

APPROVED BY (PRINTED NAME): \_\_\_\_\_

**CIRCUMSTANCES OF ARREST:**

On 05/05/15 I Detective T.Pandullo P#7884 was contacted by CCAC Patrol Officer Guynn P#14891, who had responded to a call at the Bellagio Hotel and Casino, located at 3600 South Las Vegas Blvd Las Vegas, Nevada 89109. Details of the call advised that two subjects were currently being detained by security officers because they had learned the room the two were staying in had been rented fraudulently

Officer Guynn responded and learned that Front Desk Manager Jacob Dlouhy had been contacted by Orbitz in reference to a guest Mohamed Conde who had rented a room at the Bellagio using Orbitz as a third party booker. Conde who was later identified as Dioubate, had provided a credit card number of 4815 8800 1052 8620 to Orbitz, who later received notification the card was in fact fraudulent. Once Orbitz contacted the Bellagio hotel, the hotel pinned out room 31058, which was the room that was rented fraudulently. This was done by security so that access could not be made into the room, without first making contact with the front desk.

At approximately 2145 hours the guest of room 31058 made contact at the front desk and were assisted by Front Desk Manager Dlouhy. Dlouhy advised that Dioubate and a female, who was later identified as Valentina Knight approached the front desk. Dlouhy advised he asked the female if she had the card used to book the room, since the room was booked under a female's name of Laura Banks and Mohamaed Conde. The female retrieved a credit card from her purse and handed it to Dioubate who gave the card to Dlouhy. Dlouhy remembers the card started with the number 4, but it had a Master Card logo instead of a Visa Logo. Dlouhy also ran the credit card through a verification system which flagged the card present by Knight as a Master Card and not a Visa. Both Knight and Dioubate were detained by Security Officers Blanca Pimenmtel and Randy Nicholson. The two were then escorted to security holding where security searched both subjects. Security Officer Nicholson located large amount of credit card and identifications in a brown leather bag, which Knight was carrying. This is when security contacted police.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**CONTINUATION REPORT**

ID/EVENT #: 150504-4592

When Officer Guynn arrived at approximately 2340 hours, he immediately noticed there were multiple identifications with different names on the table. The identifications had pictures with the likeness of Dioubate and Knight and appeared fraudulent to Guynn. Officer Guynn also noticed many of the credit cards were missing security features, such as the first four check digits, and that many of the cards had the name Mohamed Conde embossed on them. Officer Guynn contacted me and provided me a few of the Bank Identification Numbers (BIN) of the cards. I ran the card BIN numbers through the United States Secret Service website and confirmed the cards were in fact forged as the BIN did not match the plastic.

I responded and arrived at approximately 0040 hours and immediately was able to see that the South Carolina state issued driver's license which had Dioubate's picture on it was forged and had the name Mohamed Conde. The identification had bad coloring and was not crisp and even, like a true states issued identification would be. The South Carolina state issued driver's license which had Knight's picture on it also appeared forged and had the name Laura Banks on it.

I observed multiple credit cards with the name Mohamed Conde embossed on them and others with the name Moustapha Dioubate embossed on them. There were additional cards with the name Valentina Knight embossed on them and others with the name Laura Banks. I walked into the room where both Knight and Dioubate were sitting, both subjects were under arrest so I began to open and search a brown leather bag sitting on the desk, Knight immediately stated "I didn't give you consent to search that." I advised Knight she was under arrest and I did not need her consent, as it was search incident to arrest. However Knight's statement shows ownership of the bag, which had all the forged credit cards found by security.

I attempted to talk to both Dioubate and Knight and both requested the presence of an attorney, therefore no further questions were asked of them except to attempt to positively identify them. I began running the cards through a handheld card reader which shows what is encoded on the magnetic strip of the cards. I ran a card which had Citi bank face and the numbers 4815 8800 0977 2122 and name Mohamed Conde embossed on it. When I ran the card through the card reader the encoded number was 4815 8800 1052 8620, this is the card number used to book the room on Orbitz and the number provided to the front desk when Knight and Dioubate went down to the desk.

Several of the cards appeared forged or altered and 18 of the cards magnetic strips were altered, either not matching the embossed numbers, or being blank. Through my training and experience I know that the embossed or laser inscribed number will match the number encoded on the magnetic strip of the card. If either of these numbers does not match it is a clear indication of an altered credit card. Also the BIN is a number that is issued to a specific bank; the number indicated what bank logo should be present on the card, as well as the financial institution financing the card. The cards had obvious alteration that would be even clearly noticeable to an individual with no experience or training in dealing with altered credit cards.

Some of the signs of altering included names embossed over laser inscribing, un-crisp and uneven embossing of names and numbers. There were scratch and buffing marks on the card which are indication of inscribed or embossed letter removal, a magnetic strip which does not match the embossed number or that is blank all together, and the BIN numbers of the embossed numbers not match the plastic. Again these are all clear indications of an altered card, some of the indicators are clearer and stand out, other take special tools to detect.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**CONTINUATION REPORT**

ID/EVENT #: 150504-4592

Detective Cunningham ran 18 of the cards through a card reader and a USSS BIN check site and discovered the following facts.

1) -A Black Chase Visa card embossed with the name MOHAMED CONDE and the number 4489-1299-0012-1875. It is encoded with the name MOHAMED CONDE and the number 4815-8800-1018-1875. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 448912 does not exist, and the BIN 481588 belongs to Bank of America, which would never issue a Chase card. The graphics printed on the card are somewhat blurry and not on par with industry standard. The signature strip on the rear of the card is printed on and is not the industry standard anti-wipe material. The Visa Dove hologram is not authentic. All of these factors indicate to me that this card is forged.

2) -A Chase Visa card embossed with the name MOHAMED CONDE and the number 4810-5488-3599-1094. The card is encoded with no name and the number 4815-8310-1099-1094. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 481054 does not exist, and the BIN 481583 belongs to Bank of America, which would never issue a Chase card. The graphics printed on the card are somewhat blurry and not on par with industry standard. The signature strip on the rear of the card is printed on and is not the industry standard anti-wipe material. The Visa Dove hologram is not authentic. All of these factors indicate to me that this card is forged.

3) -A Chase Visa card embossed with the name MOHAMED CONDE and the number 4456-7730-6613-0999. The card is encoded with no name and the number 4226-9500-0157-0999. The information encoded on the stripe of the card indicates that the card should have a magnetic chip, which it does not. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 445677 does not exist, and the BIN 442695 belongs to Chase. The graphics printed on the card are somewhat blurry and not on par with industry standard. The signature strip on the rear of the card is printed on and is not the industry standard anti-wipe material. The Visa Dove hologram is not authentic. The embossing on the card where the name is has clearly been embossed more than once and an "O" can be clearly seen between MOHAMED and CONDE. All of these factors indicate to me that this card is forged.

4) -A CapitalOne American Cancer Society Visa embossed with the name MOHAMED CONDE and the number 4200-8744-0321-2071. It is encoded with the name MOHAMED CONDE and the number 4815-8800-1026-2071. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 420087 belongs to Community Bank, and the BIN 481588 belongs to Bank of America, which would never issue a CapitalOne card. The graphics printed on the card are somewhat blurry and not on par with industry standard. The signature strip on the rear of the card is printed on and is not the industry standard anti-wipe material. The Visa Dove hologram is not authentic. All of these factors indicate to me that this card is forged.

5) -A CitiBank Visa BP card embossed with the name MOHAMED CONDE and the number 4481-4701-7912-8250. It is encoded with no name and the number 4815-8800-0937-8250. The information encoded on the stripe of the card indicates that the card should have a magnetic chip, which it does not. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 448147 belongs to Wells Fargo, and the BIN 481588 belongs to Bank of

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**CONTINUATION REPORT**

ID/EVENT #: 150504-4592

America, which would never issue a CitiBank or WellsFargo card. The graphics printed on the card are somewhat blurry and not on par with industry standard. The signature strip on the rear of the card is printed on and is not the industry standard anti-wipe material. The Visa Dove hologram is not authentic. All of these factors indicate to me that this card is forged.

6) -A Chase slate Mastercard embossed with the name MOHAMED CONDE and the number 4500-4579-3001-1875. It is encoded with no name and the number 4815-8800-1018-1875. The information encoded on the stripe of the card indicates that the card should have a magnetic chip, which it does not. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 450045 belongs to National Bank of Malawi, and the BIN 481588 belongs to Bank of America, which would never issue a Chase Bank card. The graphics printed on the card are somewhat blurry and not on par with industry standard. The signature strip on the rear of the card is printed on and is not the industry standard anti-wipe material. The Mastercard globe hologram is not authentic. All of these factors indicate to me that this card is forged.

7) -A CitiBank Mets Mastercard embossed with the name MOHAMED CONDE and the number 4430-4788-4301-0510. It is encoded with no name and the number 4815-8800-0799-0510. The information encoded on the stripe of the card indicates that the card should have a magnetic chip, which it does not. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 443047 belongs to PNC Bank, and the BIN 481588 belongs to Bank of America, which would never issue a CitiBank card. The graphics printed on the card are somewhat blurry and not on par with industry standard. The signature strip on the rear of the card is printed on and is not the industry standard anti-wipe material. The embossing on the digits "4301" has the letter "O" instead of the number "0." The Mastercard globe hologram is not authentic. All of these factors indicate to me that this card is forged.

8) -A Wells Fargo Visa Debit card embossed with WELLS FARGO CUSTOMER and the number 4342-5839-9690-0449. There is nothing encoded on the magnetic stripe of the card. Although the plastic is real, the lack of encoding on the card's magnetic stripe makes this card altered and thus forged.

9) -A Wells Fargo Visa Debit card embossed with the name MOUSTAPHA DIOUBATE and the number 4737-0270-0314-5039. It is encoded with no name and the number 4631-5882-5278-2043. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 473702 belongs to Wells Fargo, and the BIN 463158 belongs to Compass Bank. All of these factors indicate to me that this card is forged.

10) -A Vanilla Visa Debit card laser inscribed with the number 4847-1842-3800-4898. It is encoded with no name and 4815-8810-0220-0145. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 484718 belongs to Bancorp Bank, and the BIN 481588 belongs to Bank of America, who would not issue a card for Bancorp Bank. A common tactic to create high-quality forgeries of credit cards is to simply re-encode a pre-paid debit card. This way the card plastic has all necessary security features, but someone else's account is charged for a purchase. All of these factors indicate to me that this card is forged.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**CONTINUATION REPORT**

ID/EVENT #: 150504-4592

11) -A Walmart Visa Debit card laser inscribed with the number 4373-0300-2830-7021. It is encoded with no name and the number 4815-8800-0997-3795. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 437303 belongs to Green Dot, and the BIN 481588 belongs to Bank of America, who would not issue a card for Green Dot. A common tactic to create high-quality forgeries of credit cards is to simply re-encode a pre-paid debit card. This way the card plastic has all necessary security features, but someone else's account is charged for a purchase. All of these factors indicate to me that this card is forged.

12) -A Vanilla Visa Debit card laser inscribed with the number 4847-1842-7312-2474. It is encoded with no name and the number 4815-8810-0301-7563. The information encoded on the stripe of the card indicates that the card should have a magnetic chip, which it does not. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 484718 belongs to Bancorp Bank, and the BIN 481588 belongs to Bank of America, who would not issue a card for Bancorp Bank. A common tactic to create high-quality forgeries of credit cards is to simply re-encode a pre-paid debit card. This way the card plastic has all necessary security features, but someone else's account is charged for a purchase. All of these factors indicate to me that this card is forged.

13) - A Vanilla Visa Debit card laser inscribed with the number 4847-1842-9908-0169. It is encoded with no name and the number 3797-6510-5311-006. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 484718 belongs to Bancorp Bank, and the BIN 379765 which is belongs to America Express. A common tactic to create high-quality forgeries of credit cards is to simply re-encode a pre-paid debit card. This way the card plastic has all necessary security features, but someone else's account is charged for a purchase. All of these factors indicate to me that this card is forged.

14) -A Walmart Mastercard Debit card laser inscribed with the number 5288-5200-1738-3265. It is encoded with no name and the number 4239-0900-0056-8184. No bank would issue a card with a different number encoded on it than what is embossed on it. A common tactic to create high-quality forgeries of credit cards is to simply re-encode a pre-paid debit card. This way the card plastic has all necessary security features, but someone else's account is charged for a purchase. All of these factors indicate to me that this card is forged.

15) -A Green Dot Gold Visa Debit card laser inscribed with the number 4250-3110-5016-3443. It is encoded with no name and the number 3797-6510-55311-006. No Bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 425031 belongs to Green Dot, and the BIN 379765 belongs to American Express. A common tactic to create high-quality forgeries of credit cards is to simply re-encode a pre-paid debit card. This way the card plastic has all necessary security features, but someone else's account is charged for a purchase. All of these factors indicate to me that this card is forged.

16) -A Vanilla Visa Debit card embossed with the number 4847-5487-3655-2651. It is encoded with no name and the number 4815-8800-0778-2651. No Bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 425031 belongs to PJSC Vs Bank, and the BIN 481588 belongs to Bank of America. On the card, it is apparent that it was previously laser inscribed with a number. This laser inscribed number was not totally removed before being embossed and it can still be seen. A common tactic to create high-quality forgeries of credit cards is to simply re-encode or remove laser inscribed characters and emboss a pre-paid debit card. This way the card



LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**CONTINUATION REPORT**

ID/EVENT #: 150504-4592

plastic has all necessary security features, but someone else's account is charged for a purchase. All of these factors indicate to me that this card is forged.

17) -A CitiBank AAdvantage Visa card embossed with the name MOHAMED CONDE and the number 4815-8800-0977-2122. It is encoded with the name MOHAMED CONDE and the number 4815-8800-1052-8620. No Bank would issue a card with a different number encoded on it than what is embossed on it. The graphics printed on the card are somewhat blurry and not on par with industry standard. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 481588 belongs to Bank of America, which would never issue a CitiBank card. All of these factors indicate to me that this card is forged. The Visa dove hologram is not genuine. The signature strip on the back of the card is printed onto the plastic and is not the industry standard anti-wipe material.

18) -A CreditOne Bank Visa card embossed with the name VALENTINA M KNIGHT and the number 4447-9622-4923-3440. It is encoded with no name and the number 4815-8300-0949-4730. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 444796 belongs to CreditOne Bank, and the BIN 481583 belongs to Bank of America. All of these factors indicate to me that this card is forged.

Due to the above listed fact and circumstances both Knight and Dioubate were transported to CCDC and booked accordingly for the following.

Burglary- Due to both parties entering the Bellagio Hotel and using a forged credit card and fraudulent identities to obtains services for fraudulently.

Conspiracy to Commit Burglary- Due to both parties entering the Bellagio Hotel and using a forged credit card and fraudulent identities to obtains services for fraudulently.

Conspiracy to Forge Credit/Debit Card with Intent to Defraud – For both parties having forged cards in their assumed name and, due to the fact Knight had the card sin her possession and present the forged card used to book the room from her wallet giving the card to Dioubate to present.

Forgery of Credit Debit Card With Intent to Defraud (18 counts) – Due to the fact both parties had forged cards with their names and assumed names, and that there were 18 confirmed forged cards.

Possession Documents or ID to Commit Forgery – Due to the fact both subject had forged identifications in the false names used to book the room fraudulently, and in the name many of the forged cards had embossed on them.

Possession of Identification To Establish False Status- – Due to the fact both subject had forged identifications in the false names used to book the room fraudulently.

Electronically Filed  
08/06/2021

*Heather S. Linn*  
CLERK OF THE COURT

1 Florence McClure Women's Correctional Center  
2 4370 Smiley Rd.  
3 Las Vegas, NV 89115

4 In the 8th Judicial District Court of the State of Nevada  
5 In and For the County of CLARK

6 In the matter of:

7 STATE OF NEVADA  
8 Plaintiff/Petitioner  
9 v.

Case No: C15304123.2

10 Valentina Knight  
11 Defendant/Respondent

Dept. No.: \_\_\_\_\_

12 NOTICE OF CHANGE OF ADDRESS

13 NOW COMES, Petitioner/Respondent, Valentina Knight,  
14 a Pro Se Litigant, and hereby gives notice to the above-named Court that due  
15 to NEVADA DEPARTMENT OF CORRECTIONS action, she has been transferred from:

16 J.C.C. #3 Prison RD  
17 Lean, NV 89109

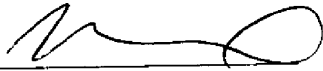
To:

18 F.M.W.C.C., 4370 Smiley  
19 RD, Las Vegas, NV 89115

20 Therefore, Petitioner/Respondent requests that this Court send all  
21 documents, pleadings, and paperwork concerning the above-named case to her at  
22 the NEW address.

Dated this 21st day of July, 2021

23 Respectfully submitted,

24   
25 Signature

26 Valentina Knight  
27 Print Name  
28

Valentine Knight #1228728

F.M.W.CC

4370 Smiley RD

Nas Vegas, NV 89115

NSF 0701

Eighth Judicial District Court  
West of The Court  
200 Lewis Ave, 3rd Fl.

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CONFIDENTIAL

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1621

RECEIVED

AUG 13 2021

ASSOCIATE

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA  
Plaintiff

VS.

VALENTINA KNIGHT  
Defendant,

Case NO: G15-309123-2

Dept NO 3

FILED	RECEIVED
ENTERED	SERVED
COUNSEL/PARTIES OF RECORD	
AUG - 6 2021	
CLERK US DI DISTRICT	
BY: _____	

FILED

AUG 12 2021

CLERK OF COURT

September 8, 2021  
8:30 AM

MOTION TO ISSUE TRANSPORT ORDER

COMES NOW, Petitioner, Valentina Knight,  
Pursuant to NRS. 209.274 "Transportation  
of offender to appear before court" (1) "When an  
offender is required or requested to appear before a  
court in this state, the Department shall transport  
offender" (2) "If it is not possible for the  
Department to transport the offender in a usual  
manner: (A) The Department shall make the offender  
available on the date scheduled for his or her  
appearance to provide testimony by telephone or by  
video, if so requested by the court, TO order  
petitioner's presence at the "MOTION TO AMEND  
Judgement OF CONVICTION TO INCLUDE JAIL TIME  
CREDITS" hearing scheduled for the 18th day  
of August, 2021 at 8:30 AM.

CLERK OF THE COURT

AUG 11 2021

RECEIVED

1 Wherefore, Petitioner respectfully requests that  
2 the Petitioner's presence at the hearing be  
3 ordered if necessary, and the Sheriff of  
4 Clark County arrange the transporting  
5 of the petitioner to the hearing  
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16 DATED THIS 9th day of August, 2021.

17 I, Valentina Knight, do

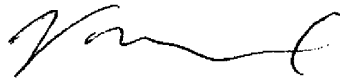
18 solemnly swear, under the penalty of perjury, that

19 the above Motion TO ISSUE Transport is accurate,

20 correct, and true to the best of my knowledge.

21 NRS 171.102 and NRS 208.165.

22 Respectfully submitted,

23 

24 Defendant

25 Valentina Knight #1225728

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DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 4th day of August, 2021

  
Signature

1728728  
Nevada Department of Corrections ID #

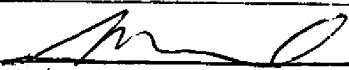
<sup>1</sup> NRS 171.102  
<sup>2</sup> NRS 208.165  
<sup>3</sup> 28 U.S.C.  
§1746. Unsworn declarations under penalty of perjury  
18 U.S.C.  
§ 1621. Perjury generally

## CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 4th day of August, 2021, I served a true and accurate copy of the foregoing MOTION TO ISSUE TRANSPORT ORDER UPON:

Eighth District Court Clerk  
338 Las Vegas Boulevard  
Las Vegas, Nevada 89101

by Submitting same to designated prison mail system for prompt mailing, and it shall be deemed FILED as of the above date.

  
Valentina Knight  
F.M.W. C.C.  
4370 Smiley RD  
Las Vegas Nevada  
89115



Valentina Knight #1728728  
 F.M.W.C.C.  
 4370 Smiley RD  
 Las Vegas, Nevada 89115

12/20/21

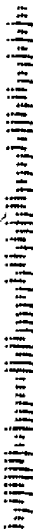
FILED  
 AUG - 8 2021  
 CLERK'S DISTRICT COURT  
 DISTRICT OF NEVADA  
 RECEIVED  
 SERIALIZED  
 INDEXED  
 COPIES OF RECORD

District Court Clerk  
 333 Las Vegas Boulevard  
 Las Vegas, Nevada 89101

LAS VEGAS NV 890  
 5 AUG 2021 PM 4 I



89101-706934



Aug 4 2021

DISTRICT COURT  
CLARK COUNTY, NEVADA

FILED  
AUG 19 2021

CLERK OF COURT

VALENTINA KNIGHT  
Petitioner,

CASE NO: GIS-309123-2

DEPT NO: III

THE STATE OF NEVADA,  
Respondant.

PETITIONER'S RESPONSE TO STATE'S  
OPPOSITION TO CORRECT ILLEGAL  
SENTENCE

DATE OF HEARING: AUGUST 18, 2021  
TIME OF HEARING: 8:30 AM

COMES NOW, the Petitioner, Valentina Knight  
to submit response and exhibits to States attorney's  
Claims and Opposition to correct Illegal Sentence.

ARGUMENT

- 1) THE STATE'S ATTORNEY CLAIMS THAT I  
Am "NOT ENTITLED" TO A SENTENCE MODIFICATION"

However, "The inherent power to correct an illegal  
Sentence, like the inherent power to modify sentences  
based on mistakes about a defendants record, must  
necessarily include the power to correct an illegal  
Sentence". Edwards v. State, 112 Nev. 704, 918 P2d  
321, 112 NEV. Adv. Rep. 90, 1996 Nev. LEXIS 84 (Nev.  
1996).

RECEIVED

AUG 16 2021

CLERK OF THE COURT

The sole purpose in bringing this motion of NRS 176.555 was because I was sentenced illegally, outside of the statutory limits, based on my record and PSI at the time of the commission of the said crime of Burglary. Any other responses outside the scope of this motion is in rebuttal to Malicious Prosecutorial Statements that should be stricken from the record. The base claim that a district court lacks jurisdiction to modify or vacate a sentence once the defendant has started serving it, does not apply in this instance. NRS 176.555 provides "The [district] Court may correct an illegal sentence at any time." Further "the district court has inherent authority to correct, vacate or modify a sentence that is based on materially untrue assumptions or mistake of fact that has worked to the extreme detriment of the defendant, but only if the sentence is the result of the sentencing judge's misapprehension of a defendant's criminal record." "See also Passanisi v. State, 108 Nev. 318, 320, 851 P.2d 1371, 1372 (1992)." In NRS 205.060 "The crime of Burglary does not include the act (emphasis added) of entering a commercial establishment" "With the intent to commit petit larceny" "Unless one had a prior felony or had been "Convicted two or more times for committing petit

Larceny. The restitution is \$557.76, which would rise to the "intent of" a petit larceny, and, I had no prior record prior to this instant offense. Claims that I am not "Entitled to a Sentence modification" lack Substance.

2) THE STATE CLAIMS MY ARGUMENTS "REGARDING NRS 205.060 ARE WAIVED WITH OUT MERIT"

The Prosecutor claims that my arguments against sentencing me under NRS 205.060 are incorrect. Where I wrote "the crime of Burglary does not include the act of entering "with intent to commit larceny", it should have read "with intent to commit petit larceny." But arguments still stand after that. The prosecutor points out I have been "charged" with Burglary stating that "the Defendant" "Willfully, unlawfully, and feloniously entered), with the intent to commit larceny", but the prosecutor fails to provide that the restitution in this "intended" act was \$557.76, an amount that can only constitute a petit larceny Sentence/Charge. The prosecutors Statements mislead this court to believe that the Statute is at issue with what a defendant is "charged" with is incorrect. The Statute does not say, the crime of Burglary does not include being "Sentenced or charged" "With (Emphasis added) "the intent to commit petit larceny." Instead it asks the Courts to look at what the intent of the Defendant was at the time and Commission of the crime. It States "The Crime of Burglary does not include the act of (Emphasis added)

entering a commercial establishment "with the intent to commit Petit larceny." So then if a Defendant's "act" show the "intent" of a petit larceny, regardless to the "way of information" of which it is charged, and the criminal history of said Defendant is such that falls under the provision of Subsection 5" of NRS 205.060, then it can not Statutorily constitute a Burglary Charge nor Sentence. Being that I did not directly make a payment to, nor furnish any credit card to the Hotel Staff, but was ~~is~~ instead a party of my co-defendant who provided a credit card for deposit to the Bellagio, and ultimately they suffered a loss of \$537.76. That under NRS 205.240 at the commission of said crime would constitute a petit larceny. Coupled with that, as it will show on my PSI, I had no prior record, neither misdemeanor nor felony. Additionally, States attorney claims that the "Defendants claim is waived because she Pleaded guilty and waived her right to bring the instant claim." However, in "U.S. v. Garcia-Valenzuela, 232 F.3d 1003, 1006-07 (9th Cir 2000)" "guilty plea did not bar challenge to constitutionality of statute." Also in "U.S. v. Ventura, 338 F.3d 1047, 1051 (9th Cir. 2003)" "guilty plea did not waive defendants challenge to district court's jurisdiction under Statute." States attorney then makes malicious prosecutorial allegations saying "arrest report includes that she had possession of a fraudulent credit card in the name of Laura Banks." " She handed to her co-defendant when the Bellagio

front desk worker asked to see the card used to book the room." However, as it will show in Exhibit 1, the card given to the front desk worker at check-in, had the name "Mohamed Conde" and was given at check-in to the front desk worker by my co-defendant. Further, nowhere in the discovery nor witness statements, nor in the States Attorney's "Exhibit of Evidence" was there a fraudulent "Credit Card" in the name of Laura Banks. Exhibit 1. Instead you will see in Exhibit 1, booked into Evidence in Contrary a card "Credit Card" in the name of Mohamed Conde, used by my Co-defendant at check-in. Also in both Voluntary Statements provided by the hotel manager and Security officer at the scene. State "I asked them if they had the credit card they checked in with which was given to me by Mr. Conde," Exhibit 1. The States attorney makes further malicious Prosecutorial Allegations that "Defendant therefore also was committing the crime of obtaining or possessing a Credit or Debit card without consent of

Card holder, also a felony." Those claims are false and unfounded nor will any of the exhibits he provided uphold those allegations. If the States Attorney had practiced Due Process in this case, which is required of the State under the 14th amendment of the constitution, the State would have learned that there was ~~NOT a~~ "Credit Card" used or present by me or my co-defendant in the name of Laura Banks, ~~one~~ one would need to read the entire 18 descriptions of the cards that are in the discovery to validate the truth in said statements, Exhibit I. The arrest report is also further evidence of lack of Due Process and malicious prosecution. In reading the witness statements in comparison with the arrest report, one would find that the arrest report states the brown bag that held all fraudulent cards belonged to the "Defendant, Valentina Knight". However, the Voluntary Statement from the Security officer on scene at the time of the alleged crime states "I did a security check of both a white Purse, Belonging to MS. Knight, and a Tan MC Backpack belonging to Mr. Dioufate. Inside the backpack and in small pockets on the outside

of this back pack I found approximately 26 credit cards under three different names". Again none of the said cards were on my person nor were there any credit cards in the name of Laura Banks as the States attorney alleges. Exhibit 1. For the stated reasons I humbly ask this court to correct the illegal sentence. In Allen v. United States, 495 A 2d 1145, 1149 (D.C) 1985

"A motion to correct an illegal sentence is an appropriate vehicle for raising the claim that a sentence is facially illegal at any such time." The States Attorney makes further arguments that are moot in this motion. I ask the court to review my sentence for the statutory legality of it Under NRS 176.555.

### CONCLUSION

For the above stated reasons, Petitioner respectfully asks this court to Grant the Motion to correct ILLEGAL SENTENCE.



Dated this 6th day of August 2021,

Respectfully Submitted,

Valentina Knight #1228728

F.M.W.C.C

4370 Smiley RD

Las Vegas, Nevada 89115

CERTIFICATE OF MAILING

STATE OF NEVADA  
COUNTY OF CLARK

I am the ☒ Plaintiff/Petitioner ☐ Defendant/Respondent

for Case No: C15 309 127-2

On this 9th day of August, 2021, I mailed a copy of the

Following document(s):

1. Petitioner's response to States Opposition to
2. Correct an illegal Sentence.
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

By United States First Class Mail, to the following addresses:

1. Eighth District Court  
Clerk, 333 Las Vegas  
Blvd, Las Vegas, NV  
89101

2. Attorney General  
100 N. Carson Street  
Carson City, Nevada  
89710

3. Clark County District  
Attorney  
700 Lewis Ave  
Las Vegas, NV 89155

4. \_\_\_\_\_  
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Dated this 9th day of August, 2021.

Respectfully submitted,



Signature

Valentina Knight  
Printed Name

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**DECLARATION UNDER PENALTY OF PERJURY**

I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 9th day of August, 2021

[Signature]  
Signature

1228728  
Nevada Department of Corrections ID #

<sup>1</sup> NRS 171.102  
<sup>2</sup> NRS 208.165  
<sup>3</sup> 28 U.S.C.  
§1746. Unsworn declarations under penalty of perjury  
18 U.S.C.  
§ 1621. Perjury generally

“EXHIBIT 1”



Laura Banks

Room No. 31058  
Conf No. 749190265  
Arrival 05/04/15  
Departure 05/06/15

DATE	DESCRIPTION	CHARGES	CREDITS
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VISA

4815 8800 1092 8620

01/19

MOHAMED CONDE

150504-4592

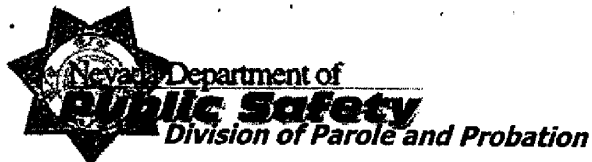


Mohamed Conde

Room No. 31058  
Conf No. 749191312  
Arrival 05/04/15  
Departure 05/06/15

DATE	DESCRIPTION	CHARGES	CREDITS
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150504-4592



## PRESENTENCE INVESTIGATION REPORT

The Honorable William D. Kephart  
Department XIX, Clark County  
Eighth Judicial District Court

Date Report Prepared: February 16, 2017

Prosecutor: Noreen Demonte, Chief DDA  
Defense Attorney: Michael D. Pariente, Retained

PSI: 511190

### I. CASE INFORMATION

Defendant: Valentina Monée Knight  
Case: C-15-309123-24  
ID: 7018909  
P&P Bin: 1004295762

PCN: 25561710  
Offense Date: 05-04-15  
Arrest Date: 05-04-15  
Plea Date: 01-04-17  
Sentencing Date: 03-15-17

### II. CHARGE INFORMATION

Offense: Burglary (F)  
NRS: 205.060  
NOC: 50424

Category: B

**Penalty:** By imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000. A person who is convicted of burglary and who has previously been convicted of burglary or another crime involving the forcible entry or invasion of a dwelling must not be released on probation or granted a suspension of sentence.

**III. DEFENDANT INFORMATION**

**Address:** 8030 Glimmer Glass  
**City/State/Zip:** Henderson, Nevada 89178  
**NV Resident:** Yes  
**SSN:** 344-78-5227  
**POB:** Chicago, Illinois  
**Date of Birth:** 06-13-87  
**Age:** 29  
**Phone:** (347) 387- 9955  
**Driver's License:** None reported  
**State:** N/A  
**Status:** N/A

**FBI:** 760242DD3  
**SID:** NV04520983  
**Aliases:** Sherry Marie Hudson, Valentina M. Knight  
**Additional SSNs:** None reported  
**Additional DOBs:** None reported  
**Additional POB:** None reported  
**Alien Registration:** N/A  
**US Citizen:** Yes  
**Notification Required per NRS 630.307:** N/A

**Identifiers:**

**Sex:** F                      **Race:** B                      **Height:** 5'03"                      **Weight:** 140  
**Hair:** Black                      **Eyes:** Brown  
**Scars:** None reported  
**Tattoos (type and location):** None reported

**Social History:** The following social history is as related by the defendant and is unverified unless otherwise noted:

**Childhood/Family:** The defendant was born in Chicago, Illinois and stated her parents separated when she was an infant and was raised by her mother. The defendant and her four siblings were sent to live in foster homes when she was seven years old for approximately nine months while her mother "got herself together." She stated her mother was on drugs and around the age of twelve Ms. Knight was molested by one of her mother's boyfriends. Nonetheless, the defendant described her childhood and relationship with her family as "pretty normal."

**Marital Status:** Married since June 2015.

**Children:** One son, age 11.

**Custody Status of Children:** The defendant reported full legal custody of her son.

**Monthly Child Support Obligation:** None reported

**Employment Status:** Employed as a business owner for M&V Fast and Efficient Trucking since 2015. She was previously employed at Chase Bank from March 2011 to January 2014 as a Global Banking Representative. She also worked as a temporary worker for Faulkner Parts for nine months in 2010 and for approximately one year in customer service for U.S. Cellular.

**Number of Months Employed Full Time in 12 months Prior to Commission of Instant Offense:** 12

**Age at first arrest:** 19 or younger ☒                      20- 23 ☐                      24 or older ☐

**Income:** \$2,000.00 per month (business)                      **Other Sources:** None reported



## Page 3

**Debts: \$40,000.00 (outstanding debt on work trucks)**

**Military Service:** None reported

**Mental Health History:** No past or present significant mental health concerns noted.

**Gambling History:** No history reported.

**Gang Activity/Affiliation:** None reported

#### IV. CRIMINAL RECORD

CONVICTIONS- FEL: 0 GM: 0 MISD: 0

**INCARCERATIONS- PRISON: 0 JAIL: 0**

**CURRENT- Probation Terms: 0 Parole Terms: 0**

**Probation-    Revoked: 0                      Discharged:    Honorable: 0       Other: 0**

**Parole-                      Revoked: 0                      Discharged:                      Honorable: 0                      Other: 0**

**Active Arrest Warrants:** Warrant#: 2016014312 Jurisdiction: Milwaukee County

Charges: Attempt Theft by Defraud &gt; \$5,000.00 to \$10,000.00 Extraditable: Yes Bail Amount: No Bail

**PRESENTENCE INVESTIGATION REPORT  
VALENTINA MONEE KNIGHT  
CC#: C-15-309123-2**

**Page 4**

**Adult:**

**Arrest Date:**

05-04-15  
Las Vegas, NV  
LVMPD

**Offense:**

1. Burglary, (1<sup>st</sup>) (F)
  2. Forgery Credit/Debit Card With Intent to Defraud (F)
  3. Possess Identification Information for False Stat/Occup/Lic/ID (F)
  4. Possess Document/Personal ID to Commit Forgery/Counterfeit (F)
  5. conspiracy to Commit Burglary (GM)
  6. conspiracy to Commit Forgery Credit/Debit Card to Defraud (GM)
- RMD: 07-15-15, 12-05-16

**Disposition:**

**Instant Offense, CC#: C-15-309123-2**

11-18-16  
Glendale, WI  
Glendale PD

1. Misappropriation of Personal Identification to Obtain Value or Benefit (F)
- 11-22-16: Charges added  
1. Credit Card-forgery (Alteration, ETC) (3 counts) (F)

**2016CF005250**

Pending case  
11-30-16, pled not guilty  
03-30-17, status check scheduled.

**Additionally, the defendant was arrested, detained or cited in Nevada and Wisconsin between December 06, 2004, and present for the following offenses for which no disposition is noted, prosecution was not pursued or charges were dismissed: Theft – Business Setting <= \$2,500.00; Misappropriation of Personal Identification; Possession of Electric Weapon; Resisting or Obstructing Officer; Theft-Movable Property; and Forgery Credit/Debit Card With Intent to Defraud.**

Additionally, the defendant's criminal history consists of several instances of failure to appear, failure to comply, and/or failure to pay traffic citations.

**Supplemental Information: N/A**

**Institutional/Supervision Adjustment: N/A**

**V. OFFENSE SYNOPSIS**

Records provided by the Las Vegas Metropolitan Police Department and the Clark County District Attorney's Office reflect that the instant offense occurred substantially as follows:

On May 05, 2015, a detective was contacted by an officer, who had responded to a call at the Bellagio Hotel and Casino. Details of the call advised that two subjects were currently being detained by security officers due to a fraudulent room rental

Further investigation revealed that the front desk manager of the Bellagio had been contacted by Orbitz in reference to a guest who had rented a room at the Bellagio using Orbitz as a third party booker.

**PRESENTENCE INVESTIGATION REPORT  
VALENTINA MONEE KNIGHT  
CC#: C-15-309123-2**

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The man renting the room, later identified as the co-defendant, Moustapha Dioubate, had provided a credit card number to Orbitz, who later received notification the card was fraudulent. Once Orbitz contacted the Bellagio hotel, the hotel pinned out the room Mr. Dioubate was renting so that access could not be made into the room.

Mr. Dioubate and a female, who was later identified as the defendant, Valentina Knight, approached the front desk a short time later. The female retrieved a credit card from her purse and handed it to Mr. Dioubate who gave the card to the front desk representative. Both Ms. Knight and Mr. Dioubate were detained by security officers after it was determined the credit card was fraudulent. The two were then escorted to security holding where security searched both subjects. A security officer located a large amount of credit cards and identifications in a brown leather bag, which Ms. Knight was carrying. Security then contacted police.

Upon arrival, the Las Vegas Metropolitan Police Officer immediately noticed there were multiple identifications with different names on the table. The identifications had pictures with the likeness of Mr. Dioubate and Ms. Knight and appeared fraudulent. The credit cards and identification cards were found to be counterfeit. As an officer began to search the above mentioned bag, Ms. Knight immediately stated "I didn't give you consent to search that."

The officer attempted to talk to both Mr. Dioubate and Ms. Knight, but both requested the presence of an attorney, therefore no further questions were asked of them. Due to the above listed fact and circumstances both Valentina Knight and Moustapha Dioubate were arrested, transported to the Clark County Detention Center, and booked accordingly.

**Co-Defendant/Offender Information:** Moustapha Dioubate pled guilty to Burglary (F) and is scheduled to appear in the Eighth Judicial District Court in Department XIX on March 15, 2017 for sentencing.

**VI. DEFENDANT'S STATEMENT**

☐ See Attached      ☒ Defendant interviewed, no statement submitted      ☐ Defendant not interviewed

**VII. VICTIM INFORMATION/STATEMENT**

The victim business (VC2118087) was contacted and indicated a loss of \$557.76 as a result of the instant offense.

The Division recommends restitution in the amount of \$557.16 be paid Jointly and Severally with the Co-Defendant Moustapha Dioubate.

**VIII. CUSTODY STATUS/CREDIT FOR TIME SERVED**

**Custody Status:** In Custody, CCDC

**CTS: 233 DAYS:** 05-04-15 to 05-21-15 (CCDC) = 28 Days  
07-15-15 to 10-26-15 (CCDC) = 104 Days  
12-05-16 to 03-15-17 (CCDC) = 101 Days

### IX. PLEA NEGOTIATIONS

The State will make no recommendation at sentencing. The plea is contingent upon both the Defendant's accepting negotiations.

### X. RECOMMENDATIONS

Based on information obtained and provided in this report, the following recommendations are submitted.

190 Day Regimental Discipline Program: N/A      Deferred Sentence Per NRS 453.3363, 458.300,  
458A.200, 176A.250, 176A.280: N/A

#### **FEEES**

Administrative Assessment: \$25.00	Chemical/Drug Analysis: N/A	DNA: \$150.00 and submit to testing
DNA Admin Assessment: \$3.00		
Domestic Violence Fee: N/A	Extradition: N/A	Psychosexual Fee: N/A

#### **SENTENCE**

Minimum Term: 12 months	Maximum Term: 48 months	Location: NDOC
Consecutive to/Concurrent With: N/A	Probation Recommended: Yes	Probation Term: NTE 5 years
Fine: \$500.00	Restitution: \$557.76 Jointly and Severally	Mandatory Probation/ Prison: N/A

#### **STANDARD PROBATION AGREEMENT AND RULES:**

1. **Reporting:** You are to report in person to the Division of Parole and Probation as instructed by the Division or its agent. You are required to submit a written report each month on forms supplied by the Division. This report shall be true and correct in all respects.
2. **Residence:** You shall not change your place of residence without first obtaining permission from the Division of Parole and Probation, in each instance.
3. **Intoxicants:** You shall not consume any alcoholic beverages (whatsoever) (to excess). Upon order of the Division of Parole and Probation or its agent, you shall submit to a medically recognized test for blood/breath alcohol content. Test results of .08 blood alcohol content or higher shall be sufficient proof of excess.
4. **Controlled Substances:** You shall not use, purchase or possess any illegal drugs, or any prescription drugs, unless first prescribed by a licensed medical professional. You shall immediately notify the Division of Parole and Probation of any prescription received. You shall submit to drug testing as required by the Division or its agent.
5. **Weapons:** You shall not possess, have access to, or have under your control, any type of weapon.
6. **Search:** You shall submit your person, property, place of residence, vehicle or areas under your control to search including electronic surveillance or monitoring of your location, at any time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation of probation by the Division of Parole and Probation or its agent.
7. **Associates:** You must have prior approval by the Division of Parole and Probation to associate with any person convicted of a felony, or any person on probation or parole supervision. You shall not have any contact with persons confined in a correctional institution unless specific written permission has been granted by the Division and the correctional institution.
8. **Directives and Conduct:** You shall follow the directives of the Division of Parole and Probation and your conduct shall justify the opportunity granted to you by this community supervision.
9. **Laws:** You shall comply with all municipal, county, state, and federal laws and ordinances.

**PRESENTENCE INVESTIGATION REPORT**  
**VALENTINA MONEE KNIGHT**  
**CC#: C-15-309123-2**

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10. **Out-of-State Travel:** You shall not leave the state without first obtaining written permission from the Division of Parole and Probation.
11. **Employment/Program:** You shall seek and maintain legal employment, or maintain a program approved by the Division of Parole and Probation and not change such employment or program without first obtaining permission. All terminations of employment or program shall be immediately reported to the Division.
12. **Financial Obligation:** You shall pay fees, fines, and restitution on a schedule approved by the Division of Parole and Probation. Any excess monies paid will be applied to any other outstanding fees, fines, and/or restitution, even if it is discovered after your discharge.
13. **Special Conditions:**
  1. Comply with an imposed curfew by Parole and Probation as deemed necessary.
  2. Complete substance abuse evaluation and complete any recommended case plan.
  3. Complete impulse control evaluation and complete any recommended case plan.
  4. Satisfy warrants within the first 60 days of probation.
  5. That the defendant effect restitution to the victim in the amount of \$557.76 as ordered by the Court, paid through the Division of Parole and Probation, and that monthly payments are made every thirty (30) days subject to modification based upon income as verified by the Division jointly and severally with the co-defendant, Moustapha Dioubate.
  6. No gambling or entry into any gaming establishment unless employed therein.
  7. Submit to full and complete financial disclosure.

☒ Pursuant to NRS 239B.030, the undersigned hereby affirms this document contains the social security number of a person as required by NRS 176.145.

☐ Pursuant to NRS 239B.030, the undersigned hereby affirms this document does not contain the social security number of any person.

**PRESENTENCE INVESTIGATION REPORT**  
**VALENTINA MONEE KNIGHT**  
**CC#: C-15-309123-2**

**Page 8**

Per the Nevada Supreme Court opinion in Stockmeier v. Nevada Board of Parole Commissioners et al., any changes to factual allegations in the Presentence Investigation Report must be made at or before sentencing. Permanent changes to Criminal History must be initiated by the defendant by submitting a written request to the Criminal History Repository in the reporting state.

The information used in the Presentence Investigation Report may be utilized reviewed by federal, state and/or local agencies for the purpose of prison classification, program eligibility and parole consideration.

In accordance with current Interstate Commission for Adult Offender Supervision rules and requirements, all felony convictions and certain [gross] misdemeanors are offense eligible for compact consideration. Due to Interstate Compact standards, this conviction may or may not be offense eligible for courtesy supervision in the defendant's state of residence. If not offense eligible, the Division may still authorize the offender to relocate to their home state and report by mail until the term of probation is complete and/or the case has been completely resolved.

Respectfully Submitted,

Natalie A. Wood, Chief

Report prepared by: D. Zeemer  
DPS Parole and Probation, Specialist III

Approved by:

---

R. Kiserow, DPS Parole and Probation Supervisor  
Southern Command, Las Vegas

Page 1 of 1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT

Event #

150504 00 4592

THIS PORTION TO BE COMPLETED BY OFFICERS									
Specific Crime <b>FRAUD</b>					Date Occurred <b>5/4/2015</b>		Time Occurred <b>1:05 pm</b>		
Location of Occurrence <b>3600 Las Vegas Blvd S, Las Vegas, NV 89109</b>					Sector/Beat <b>M3</b>		<input type="checkbox"/> City <input checked="" type="checkbox"/> County		
Your Name (Last / First / Middle) <b>Nicholson, Randy</b>									
Date of Birth <b>8/2/1950</b>					Social Security # _____				
Race <b>WHITE</b>	Sex <b>MALE</b>	Height <b>6'2"</b>	Weight <b>210</b>	Hair <b>BROWN</b>	Eyes <b>HAZEL</b>	Work Scholl (Hours) <b>2200-0600</b>	(Days Off) <b>Fri - Sat</b>	Business / School <b>Bellagio</b>	
Residence Address & (Number & Street) <b>3600 Las Vegas Blvd S.</b>				Bldg./Appt/ City <b>Las Vegas</b>		State/Zip Code <b>NV 89109</b>		Res. Phone <b>702-693-7175</b>	
Bus (Local) Address: (Number & Street) <b>3600 Las Vegas Blvd S.</b>				Bldg./Appt/ City <b>Las Vegas</b>		State/Zip Code <b>NV 89109</b>		Occupation <b>Security Officer</b>	
Best place to contact you during the day <b>Bellagio</b>						Best time to contact you during the day <b>2200-0600</b>		Can You Identify the Suspect? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

## DETAILS

On Monday, May 4, 2015 at approximately 9:14 a.m., I, Assistant Supervisor Randy Nicholson responded to the Main Lobby with Supervisor Blanca Pimentel for a report of credit card fraud.

On arrival I met with Moustapha Dioubate and Valentina Knight who were attempting to check into the hotel (Room #31058) using a fraudulent Master Card Credit Card. Both Mr. Dioubate and Ms. Knight were escorted to the Satellite Security Office with Metro being contacted to respond.

I did a safety check of both a white purse, belonging to Ms. Knight, and a tan MC Backpack belonging to Mr. Dioubate. Inside the backpack and in the small pockets on the outside of the backpack I found approximately 26 credit cards under three different names along with two sets of I.D.'s each, under different names. The credit card and I.D. were set aside for Metro.

Assistant Hotel Manager Jacob Diouhy stated at approximately 1:05 p.m. a black male and a black female (identified later as Moustapha Dioubate and Valentina Knight) checked into the hotel, booking their reservation through ORBITS, using a Master Card Credit Card (4315280010528620). Mr. Diouhy stated the hotel was notified from ORBITS the credit card used for the booking was fraudulent, and the credit card had a VISA Card Number on the card and the name on the card was different than what is registered with the credit card number.

*This is the card they claim was given to orbits*

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) **Bellagio @ 3600 LVBS, Las Vegas, NV 89109** ON THE **05** DAY OF **May** AT **0330 hrs.** (AM / PM), **2015**

Witness / Officer **[Signature]** (SIGNATURE)  
Witness / Officer **T. Casanova** (PRINTED) # **15710**

**[Signature]**  
SIGNATURE OF PERSON GIVING STATEMENT

15F06822B - KNIGHT, VALENTINA

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LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

Event #  
**150505-4592**

Specific Crime <b>Fraud</b>		Date Occurred <b>5-4-15</b>	Time Occurred <b>2124</b>
Location of Occurrence <b>3600 LV BLVD South, LV, NV 89109</b>		Sector/Beat <b>M3</b>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

Your Name (Last / First / Middle) <b>DLOUHY / JACOB / MATTHEW</b>		Date of Birth <b>7/20/92</b>	Social Security #
Race <b>W</b>	Sex <b>M</b>	Height <b>6 FT</b>	Weight <b>180</b>
Hair <b>BLONDE</b>	Eyes <b>BLUE</b>	Work Sched. (Hours) <b>3-12A</b>	(Days Off) <b>TH/FRI</b>
Residence Address: (Number & Street) <b>3600 LV BLVD</b>		City <b>LAS VEGAS</b>	State <b>NV</b>
Bus. (Local) Address: (Number & Street) <b>3600 LV BLVD</b>		City <b>LAS VEGAS</b>	State <b>NV</b>
Best place to contact you during the day <b>702-373 3102 / BELLASIO</b>		Best time to contact you during the day <b>3-12AM</b>	

**10F2**  
**DETAILS** OCCUPANTS OF 3105B CAME TO THE FRONT DESK DUE TO THEIR ROOM KEYS NOT WORKING. WE LOCKED OUT THE ROOM DUE TO ORBITZ.COM CONTACTING BELLASIO ADVISING THE CREDIT CARD USED FOR BOOKING THE HOTEL ROOM WAS FRAUDULENT. THIS WAS THE SAME CREDIT CARD USED AT CHECK-IN. I MADE CONTACT WITH MS. BANKS & ADDITIONAL GUEST MR. CONDE. I ASKED THEM IF THEY HAD THE CREDIT CARD THEY CHECKED IN WITH WHICH WAS GIVEN TO ME BY MR. CONDE. THE PHYSICAL CARD SHOWED A MASTERCARD LOGO HOWEVER OPERA (PMS SYSTEM) IDENTIFIED THE CC AS A VISA (FIRST # IN ACCOUNT # STARTED W/ A 4 NOT 5. SECURITY ARRIVED & I ADVISED THE GUEST THAT ORBITZ FLAGGED THIS CARD AS FRAUDULENT & THAT THEY WILL NEED TO GO WITH SECURITY FOR FURTHER VERIFICATION ON THE CREDIT CARD. THE GUESTS BEGAN TO SAY, "WAIT WE HAVE DINNER RESERVATIONS." "WHAT IS HAPPENING AGAIN." SECURITY MOD BLANCA PROCEEDED TO ADVISE THEY WILL NEED TO GO WITH

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) **3600 LV BLVD BELLASIO** ON THE **4TH** DAY OF **MAY** AT **11:21** (AM/PM) **2015**.

Witness/Officer: **T. PANDULLO** PS **788M**  
15F06822B - KNIGHT, VALENTINA



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LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT

Event # 150505-4592

Specific Crime <u>FRAUD</u>	Date Occurred <u>05/04/15</u>	Time Occurred <u>2124</u>
Location of Occurrence <u>3600 LV BLVD SOUTH, LV, NV 89107</u>	Sector/Beat	<input type="checkbox"/> City <input type="checkbox"/> County

Your Name (Last / First / Middle)								Date of Birth	Social Security #
Race	Sex	Height	Weight	Hair	Eyes	Work Schol. (Hours)	(Days Off)	Business / School	
Residence Address: (Number & Street)				Bldg/Apt# City		State Zip Code		Res. Phone:	
Bus. (Local) Address: (Number & Street)				Bldg/Apt# City		State Zip Code		Bus. Phone:	
Best place to contact you during the day				Best time to contact you during the day				Occupation	
								Depart Date (if visitor)	
								Can You Identify <input type="checkbox"/> Yes the Suspect? <input type="checkbox"/> No	

2 of 2  
DETAILS THEM TO FURTHER INVESTIGATE & VERIFY THE CREDIT CARD INFORMATION. MR. CONDE INSISTED THEY PAY CASH INSTEAD & I LET THEM KNOW THEY WILL NEED TO GO WITH SECURITY & I WOULD BE MORE THAN HAPPY TO CANCEL / CHANGE DINNER RESERVATIONS.  
MS. BANKS & MR CONDE THEN LEFT W/ SECURITY.

UPON ASKING FOR THE CREDIT CARD THAT WAS GIVEN AT CHECK-IN, MS. BANKS PULLED OUT THE CREDIT CARD FROM HER CLUTCH BAG. THE CREDIT CARD # MATCHED HOWEVER THE CARD HAD A MASTERCARD LOGO. I NOTICED OPERA (PMS) SYSTEM RECOGNIZED THE CARD AS A VISA & SAW THE ACCOUNT # STARTED W/ A 4. IMMEDIATELY I KNEW SOMETHING WAS WRONG DUE TO THE LOGO ON THE CARD SHOWING MASTERCARD. CC ON FILE IS VISA 4815880010528420 exp 01/19 UNDER MOHAMED CONDE

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) PELLAGIO

ON THE 4TH DAY OF MAY AT 11:30 (AM / PM) 2015

Witness/Officer: [Signature] 1574

Witness/Officer: T. CUNNINGHAM PH 1574

LYP 04 (REV. 04)

SIGNATURE OF PERSON OWING STATEMENT

Existing law establishes the various types of burglary that differ based on the type of structure in which the crime is committed; and (2) the various penalties imposed for each type of burglary. Existing law authorizes a person to petition the court in which the person was convicted for the sealing of all records relating to the conviction, but excludes certain specified convictions. (NRS 179.245)

## **BURGLARY; INVASION OF THE HOME**

### **NRS 205.060 Burglary: Definition; penalties; venue; exception. [Effective through June 30, 2020.]**

1. Except as otherwise provided in subsection 5, a person who, by day or night, enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, is guilty of burglary.

2. Except as otherwise provided in this section, a person convicted of burglary is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000. A person who is convicted of burglary and who has previously been convicted of burglary or another crime involving the forcible entry or invasion of a dwelling must not be released on probation or granted a suspension of sentence.

3. Whenever a burglary is committed on a vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in motion or in rest, in this State, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car traveled during the time the burglary was committed.

4. A person convicted of burglary who has in his or her possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the structure or upon leaving the structure, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$10,000.

5. The crime of burglary does not include the act of entering a commercial establishment during business hours with the intent to commit petit larceny unless the person has previously been convicted:

- (a) Two or more times for committing petit larceny within the immediately preceding 7 years; or
- (b) Of a felony.

[1911 C&P § 369; A 1953, 31] — (NRS A 1967, 494; 1968, 45; 1971, 1161; 1979, 1440; 1981, 551; 1983, 717; 1989, 1207; 1995, 1215; 2005, 416; 2013, 2987)

### **NRS 205.060 Residential burglary, burglary of a business, burglary of a motor vehicle and burglary of a structure: Definitions; penalties; venue. [Effective July 1, 2020.]**

1. A person who, by day or night, unlawfully enters or unlawfully remains in any:

(a) Dwelling with the intent to commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, is guilty of residential burglary.

(b) Business structure with the intent to commit grand or petit larceny, assault or battery on any person or any felony is guilty of burglary of a business.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
ARREST REPORT**

☐ City      ☒ County      ☒ Adult      ☐ Juvenile      Sector/Beat M3

ID/EVENT# <b>7018909</b>	ARRESTEE'S NAME (Last) (First) (Middle) <b>KNIGHT VALENTINA MONEE</b>			S.S.# <b>REFUSED</b>
ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) <b>2870 W. MILL ROAD #E MILWAUKEE, WI 53209</b>				
CHARGES <b>BURGALRY, CONSP BURGALRY, CONSO FORGED CC, FORGED CC (18 COUNTS) OUIPA TO COMMIT FORGERY, OUIPA DOCUMENT FOR FALSE STATUS</b>				
OCCURRED	DATE <b>05/04/15</b>	DAY OF WEEK <b>MONDAY</b>	TIME <b>2145</b>	LOCATION OF ARREST (Number, Street, City, State, Zip Code) <b>3600 S. LAS VEGAS BLVD LAS VEGAS, NEVADA 89109</b>
RACE <b>B</b>	SEX <b>F</b>	D.O.B. <b>06/13/87</b>	HT. <b>5'3"</b>	WT. <b>130</b>
HAIR <b>BLK</b>		EYES <b>BRO</b>	PLACE OF BIRTH <b>UNKNOWN</b>	

ARRESTING OFFICER #1: <b>T. PANDULLO</b>	P#: <b>7884</b>	ARRESTING OFFICER #2:	P#:
CONNECTING REPORTS (Type or Event Number) <b>ARREST PACKET, MISC DOCS, 150504-4592</b>			

APPROVED BY (PRINTED NAME): \_\_\_\_\_

**CIRCUMSTANCES OF ARREST:**

On 05/05/15 I Detective T. Pandullo P#7884 was contacted by CCAC Patrol Officer Guynn P#14891, who had responded to a call at the Bellagio Hotel and Casino, located at 3600 South Las Vegas Blvd Las Vegas, Nevada 89109. Details of the call advised that two subjects were currently being detained by security officers because they had learned the room the two were staying in had been rented fraudulently

Officer Guynn responded and learned that Front Desk Manager Jacob Diouhy had been contacted by Orbitz in reference to a guest Mohamed Conde who had rented a room at the Bellagio using Orbitz as a third party booker. Conde who was later identified as Dioubate, had provided a credit card number of 4815 8800 1052 8620 to Orbitz, who later received notification the card was in fact fraudulent. Once Orbitz contacted the Bellagio hotel, the hotel pinned out room 31058, which was the room that was rented fraudulently. This was done by security so that access could not be made into the room, without first making contact with the front desk.

At approximately 2145 hours the guest of room 31058 made contact at the front desk and were assisted by Front Desk Manager Diouhy. Diouhy advised that Dioubate and a female, who was later identified as Valentina Knight approached the front desk. Diouhy advised he asked the female if she had the card used to book the room, since the room was booked under a female's name of Laura Banks and Mohamed Conde. The female retrieved a credit card from her purse and handed it to Dioubate who gave the card to Diouhy. Diouhy remembers the card started with the number 4, but it had a Master Card logo instead of a Visa Logo. Diouhy also ran the credit card through a verification system which flagged the card present by Knight as a Master Card and not a Visa. Both Knight and Dioubate were detained by Security Officers Blanca Pimenmtel and Randy Nicholson. The two were then escorted to security holding where security searched both subjects. Security Officer Nicholson located large amount of credit card and identifications in a brown leather bag, which Knight was carrying. This is when security contacted police.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**CONTINUATION REPORT**

ID/EVENT #: 150504-4582

When Officer Guynn arrived at approximately 2340 hours, he immediately noticed there were multiple identifications with different names on the table. The identifications had pictures with the likeness of Dioubate and Knight and appeared fraudulent to Guynn. Officer Guynn also noticed many of the credit cards were missing security features, such as the first four check digits, and that many of the cards had the name Mohamed Conde embossed on them. Officer Guynn contacted me and provided me a few of the Bank Identification Numbers (BIN) of the cards. I ran the card BIN numbers through the United States Secret Service website and confirmed the cards were in fact forged as the BIN did not match the plastic.

I responded and arrived at approximately 0040 hours and immediately was able to see that the South Carolina state issued driver's license which had Dioubate's picture on it was forged and had the name Mohamed Conde. The identification had bad coloring and was not crisp and even, like a true states issued identification would be. The South Carolina state issued driver's license which had Knight's picture on it also appeared forged and had the name Laura Banks on it.

I observed multiple credit cards with the name Mohamed Conde embossed on them and others with the name Moustapha Dioubate embossed on them. There were additional cards with the name Valentina Knight embossed on them and others with the name Laura Banks. I walked into the room where both Knight and Dioubate were sitting, both subjects were under arrest so I began to open and search a brown leather bag sitting on the desk. Knight immediately stated "I didn't give you consent to search that." I advised Knight she was under arrest and I did not need her consent, as it was search incident to arrest. However Knight's statement shows ownership of the bag, which had all the forged credit cards found by security.

I attempted to talk to both Dioubate and Knight and both requested the presence of an attorney, therefore no further questions were asked of them except to attempt to positively identify them. I began running the cards through a handheld card reader which shows what is encoded on the magnetic strip of the cards. I ran a card which had Citi bank face and the numbers 4815 8800 0977 2122 and name Mohamed Conde embossed on it. When I ran the card through the card reader the encoded number was 4815 8800 1052 8620, this is the card number used to book the room on Orbitz and the number provided to the front desk when Knight and Dioubate went down to the desk.

Several of the cards appeared forged or altered and 18 of the cards magnetic strips were altered, either not matching the embossed numbers, or being blank. Through my training and experience I know that the embossed or laser inscribed number will match the number encoded on the magnetic strip of the card. If either of these numbers does not match it is a clear indication of an altered credit card. Also the BIN is a number that is issued to a specific bank; the number indicated what bank logo should be present on the card, as well as the financial institution financing the card. The cards had obvious alteration that would be even clearly noticeable to an individual with no experience or training in dealing with altered credit cards.

Some of the signs of altering included names embossed over laser inscribing, un-crisp and uneven embossing of names and numbers. There were scratch and buffing marks on the card which are indication of inscribed or embossed letter removal, a magnetic strip which does not match the embossed number or that is blank all together, and the BIN numbers of the embossed numbers not match the plastic. Again these are all clear indications of an altered card, some of the indicators are clearer and stand out, other take special tools to detect.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
CONTINUATION REPORT**

ID/EVENT #: 150504-4592

Detective Cunningham ran 18 of the cards through a card reader and a USSS BIN check site and discovered the following facts.

1) -A Black Chase Visa card embossed with the name MOHAMED CONDE and the number 4489-1299-0012-1875. It is encoded with the name MOHAMED CONDE and the number 4815-8800-1018-1875. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 448912 does not exist, and the BIN 481588 belongs to Bank of America, which would never issue a Chase card. The graphics printed on the card are somewhat blurry and not on par with industry standard. The signature strip on the rear of the card is printed on and is not the industry standard anti-wipe material. The Visa Dove hologram is not authentic. All of these factors indicate to me that this card is forged.

2) -A Chase Visa card embossed with the name MOHAMED CONDE and the number 4810-5488-3599-1094. The card is encoded with no name and the number 4815-8310-1099-1094. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 481054 does not exist, and the BIN 481583 belongs to Bank of America, which would never issue a Chase card. The graphics printed on the card are somewhat blurry and not on par with industry standard. The signature strip on the rear of the card is printed on and is not the industry standard anti-wipe material. The Visa Dove hologram is not authentic. All of these factors indicate to me that this card is forged.

3) -A Chase Visa card embossed with the name MOHAMED CONDE and the number 4456-7730-6613-0999. The card is encoded with no name and the number 4226-9500-0157-0999. The information encoded on the stripe of the card indicates that the card should have a magnetic chip, which it does not. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 445677 does not exist, and the BIN 442695 belongs to Chase. The graphics printed on the card are somewhat blurry and not on par with industry standard. The signature strip on the rear of the card is printed on and is not the industry standard anti-wipe material. The Visa Dove hologram is not authentic. The embossing on the card where the name is has clearly been embossed more than once and an "O" can be clearly seen between MOHAMED and CONDE. All of these factors indicate to me that this card is forged.

4) -A CapitalOne American Cancer Society Visa embossed with the name MOHAMED CONDE and the number 4200-8744-0321-2071. It is encoded with the name MOHAMED CONDE and the number 4815-8800-1026-2071. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 420087 belongs to Community Bank, and the BIN 481588 belongs to Bank of America, which would never issue a CapitalOne card. The graphics printed on the card are somewhat blurry and not on par with industry standard. The signature strip on the rear of the card is printed on and is not the industry standard anti-wipe material. The Visa Dove hologram is not authentic. All of these factors indicate to me that this card is forged.

5) -A CitiBank Visa BP card embossed with the name MOHAMED CONDE and the number 4481-4701-7912-8250. It is encoded with no name and the number 4815-8800-0937-8250. The information encoded on the stripe of the card indicates that the card should have a magnetic chip, which it does not. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 448147 belongs to Wells Fargo, and the BIN 481586 belongs to Bank of

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**CONTINUATION REPORT**

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America, which would never issue a CitiBank or Wells Fargo card. The graphics printed on the card are somewhat blurry and not on par with industry standard. The signature strip on the rear of the card is printed on and is not the industry standard anti-wipe material. The Visa Dove hologram is not authentic. All of these factors indicate to me that this card is forged.

6) -A Chase slate Mastercard embossed with the name MOHAMED CONDE and the number 4500-4579-3001-1875. It is encoded with no name and the number 4815-8800-1018-1875. The information encoded on the stripe of the card indicates that the card should have a magnetic chip, which it does not. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 450045 belongs to National Bank of Malawi, and the BIN 481588 belongs to Bank of America, which would never issue a Chase Bank card. The graphics printed on the card are somewhat blurry and not on par with industry standard. The signature strip on the rear of the card is printed on and is not the industry standard anti-wipe material. The Mastercard globe hologram is not authentic. All of these factors indicate to me that this card is forged.

7) -A CitiBank Mets Mastercard embossed with the name MOHAMED CONDE and the number 4430-4788-4301-0510. It is encoded with no name and the number 4815-8800-0799-0510. The information encoded on the stripe of the card indicates that the card should have a magnetic chip, which it does not. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 443047 belongs to PNC Bank, and the BIN 481588 belongs to Bank of America, which would never issue a CitiBank card. The graphics printed on the card are somewhat blurry and not on par with industry standard. The signature strip on the rear of the card is printed on and is not the industry standard anti-wipe material. The embossing on the digits "4301" has the letter "O" instead of the number "0." The Mastercard globe hologram is not authentic. All of these factors indicate to me that this card is forged.

8) -A Wells Fargo Visa Debit card embossed with WELLS FARGO CUSTOMER and the number 4342-5839-9690-0449. There is nothing encoded on the magnetic stripe of the card. Although the plastic is real, the lack of encoding on the card's magnetic stripe makes this card altered and thus forged.

9) -A Wells Fargo Visa Debit card embossed with the name MOUSTAPHA DIOUBATE and the number 4737-0270-0314-5039. It is encoded with no name and the number 4631-5882-5278-2043. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 473702 belongs to Wells Fargo, and the BIN 463158 belongs to Compass Bank. All of these factors indicate to me that this card is forged.

10) -A Vanilla Visa Debit card laser inscribed with the number 4847-1842-3800-4898. It is encoded with no name and 4815-8810-0220-0145. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 484718 belongs to Bancorp Bank, and the BIN 481588 belongs to Bank of America, who would not issue a card for Bancorp Bank. A common tactic to create high-quality forgeries of credit cards is to simply re-encode a pre-paid debit card. This way the card plastic has all necessary security features, but someone else's account is charged for a purchase. All of these factors indicate to me that this card is forged.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**CONTINUATION REPORT**

INCIDENT #: 150504-4592

11) -A Walmart Visa Debit card laser inscribed with the number 4373-0300-2830-7021. It is encoded with no name and the number 4815-8800-0997-3795. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 437303 belongs to Green Dot, and the BIN 481588 belongs to Bank of America, who would not issue a card for Green Dot. A common tactic to create high-quality forgeries of credit cards is to simply re-encode a pre-paid debit card. This way the card plastic has all necessary security features, but someone else's account is charged for a purchase. All of these factors indicate to me that this card is forged.

12) -A Vanilla Visa Debit card laser inscribed with the number 4847-1842-7312-2474. It is encoded with no name and the number 4815-8810-0301-7563. The information encoded on the stripe of the card indicates that the card should have a magnetic chip, which it does not. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 484718 belongs to Bancorp Bank, and the BIN 481588 belongs to Bank of America, who would not issue a card for Bancorp Bank. A common tactic to create high-quality forgeries of credit cards is to simply re-encode a pre-paid debit card. This way the card plastic has all necessary security features, but someone else's account is charged for a purchase. All of these factors indicate to me that this card is forged.

13) -A Vanilla Visa Debit card laser inscribed with the number 4847-1842-9908-0169. It is encoded with no name and the number 3797-6510-5311-006. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 484718 belongs to Bancorp Bank, and the BIN 379765 which is belongs to America Express. A common tactic to create high-quality forgeries of credit cards is to simply re-encode a pre-paid debit card. This way the card plastic has all necessary security features, but someone else's account is charged for a purchase. All of these factors indicate to me that this card is forged.

14) -A Walmart Mastercard Debit card laser inscribed with the number 5288-5200-1738-3265. It is encoded with no name and the number 4239-0900-0056-8184. No bank would issue a card with a different number encoded on it than what is embossed on it. A common tactic to create high-quality forgeries of credit cards is to simply re-encode a pre-paid debit card. This way the card plastic has all necessary security features, but someone else's account is charged for a purchase. All of these factors indicate to me that this card is forged.

15) -A Green Dot Gold Visa Debit card laser inscribed with the number 4250-3110-5016-3443. It is encoded with no name and the number 3797-6510-55311-006. No Bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 425031 belongs to Green Dot, and the BIN 379765 belongs to American Express. A common tactic to create high-quality forgeries of credit cards is to simply re-encode a pre-paid debit card. This way the card plastic has all necessary security features, but someone else's account is charged for a purchase. All of these factors indicate to me that this card is forged.

16) -A Vanilla Visa Debit card embossed with the number 4847-5487-3655-2651. It is encoded with no name and the number 4815-8800-0778-2651. No Bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 425031 belongs to PJSC Vs Bank, and the BIN 481588 belongs to Bank of America. On the card, it is apparent that it was previously laser inscribed with a number. This laser inscribed number was not totally removed before being embossed and it can still be seen. A common tactic to create high-quality forgeries of credit cards is to simply re-encode or remove laser inscribed characters and emboss a pre-paid debit card. This way the card

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**CONTINUATION REPORT**

ID/EVENT #: 150504-4582

plastic has all necessary security features, but someone else's account is charged for a purchase. All of these factors indicate to me that this card is forged.

17) -A CitiBank AAdvantage Visa card embossed with the name MOHAMED CONDE and the number 4815-8800-0977-2122. It is encoded with the name MOHAMED CONDE and the number 4815-8800-1052-8620. No Bank would issue a card with a different number encoded on it than what is embossed on it. The graphics printed on the card are somewhat blurry and not on par with industry standard. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 481588 belongs to Bank of America, which would never issue a CitiBank card. All of these factors indicate to me that this card is forged. The Visa dove hologram is not genuine. The signature strip on the back of the card is printed onto the plastic and is not the industry standard anti-wipe material.

18) -A CreditOne Bank Visa card embossed with the name VALENTINA M KNIGHT and the number 4447-9622-4923-3440. It is encoded with no name and the number 4815-8300-0949-4730. No bank would issue a card with a different number encoded on it than what is embossed on it. Per the U.S. Secret Service website, the Bank Identification Number (BIN) 444796 belongs to CreditOne Bank, and the BIN 481583 belongs to Bank of America. All of these factors indicate to me that this card is forged.

Due to the above listed fact and circumstances both Knight and Dioubate were transported to CCDC and booked accordingly for the following.

Burglary- Due to both parties entering the Bellagio Hotel and using a forged credit card and fraudulent identities to obtains services for fraudulently.

Conspiracy to Commit Burglary- Due to both parties entering the Bellagio Hotel and using a forged credit card and fraudulent identities to obtains services for fraudulently.

Conspiracy to Forge Credit/Debit Card with Intent to Defraud – For both parties having forged cards in their assumed name and, due to the fact Knight had the card sin her possession and present the forged card used to book the room from her wallet giving the card to Dioubate to present.

Forgery of Credit Debit Card With Intent to Defraud (18 counts) – Due to the fact both parties had forged cards with their names and assumed names, and that there were 18 confirmed forged cards.

Possession Documents or ID to Commit Forgery – Due to the fact both subject had forged identifications in the false names used to book the room fraudulently, and in the name many of the forged cards had embossed on them.

Possession of Identification To Establish False Status- – Due to the fact both subject had forged identifications in the false names used to book the room fraudulently.



FOREVER U.S. FOREVER U.S. FOREVER U.S. FOREVER U.S. FOREVER U.S.

Las Vegas PADC 89199

TUE 10 AUG 2021 PM

Legal Mail

STATE  
PRISON

AUG 10 2021

OUTGOING

FILED

AUG 30 2021

*Ally I. Williams*  
CLERK OF COURT

1 Florence McClure Women's Correctional Center  
2 4370 Smiley Rd.  
3 Las Vegas, NV 89115

4 In the 8th Judicial District Court of the State of Nevada

5 In and for the County of CLARK

6 In the matter of:

7 VALENTINA KNIGHT  
8 Plaintiff/Petitioner

Case No: 15-309123-2

9 v. STATE OF NEVADA  
10 Defendant/Respondent

Dept No.: III

11 MOTION TO AMEND JUDGMENT OF CONVICTION TO INCLUDE JAIL TIME CREDITS

12 Date of Hearing: \_\_\_\_\_

Time of

September 20, 2021  
8:30 AM

13 "Oral Argument" Requested: ☐ Yes ☒ No

14 COMES NOW, Defendant, Valentina Knight in Proper

15 Person and respectfully moves this Honorable Court for and ORDER granting

16 Defendant credit for all time served in presentence custody, (a combined  
17 total of roughly 320 days) in the above-entitled matter, and for the

18 Amended Judgment of Conviction reflecting said credits.

19 This motion is made and based on the accompanying Memorandum of Points  
20 and Authorities and attached Affidavit of Defendant.

21 Dated this 19th day of August, 2021

22 Respectfully submitted,

23 *Valentina Knight*  
Signature

Valentina Knight  
Print Name

CLERK OF THE COURT

AUG 24 2021

RECEIVED

### STATEMENT OF FACTS

On 8/18/21, this Honorable Court Denied my first Motion Seeking All jail time Credit. The Motion was denied because I asked for the Court to Include time that was Served in a County Outside of Nevada. So I would just ask the court to grant me All Credit for time Served in the Clark County Jail prior to my final Judgement of Conviction. Prior to my final Judgement of Conviction I served 270 days in the County, Exhibit 2, when revoked the Clark County Jail picked me up on 11/26/2019, Exhibit 2, from then until sentencing/Revocation on 01/15/2020 I served an additional 50 days. When the Court entered the final order they only gave me credit for 26 days, totaling 296 days credit, when it should have been 50 days credit which would total 320 days total Served in County Jail prior to my final Judgement of Conviction. I would ask that this Honorable Court give credit for all days Served in Clark County Jail, prior to my final Judgement of Conviction, Exhibit 4. Thank you. Also a signed Document from the Prison and Probation Office is attached which shows they took me into custody on 11/26/2019, Exhibit 1.

MEMORANDUM OF POINTS AND AUTHORITIES

Traditionally, in this state, any defendant convicted of a crime and sentenced to a term of imprisonment is entitled credit against such term and sentencing. See Slack v. State, 90 Nev.373, 528 P.2d 703 (1974).

The common law rule, although discretionary in nature, has been held applicable regardless of the sentence imposed, be it maximum, minimum, or whatever. See Anglin c. State, 90 Nev. 287, 525 P.2d 34 (1979). And to all classes of defendants. Moreso, to indigent defendant who is unable to post bail, in which case the awarding of presentence credits becomes mandatory.

Along the same lines, the legislature has implemented statutory laws giving the courts power to allow presentence credits to those convicted of crime. In this regard, NRS 176.055, sets forth the following:

Whenever a sentence of imprisonment in the state prison is imposed, the court may order that credit be allowed against the duration for the sentence, including any minimum term thereof prescribed by law, for the amount of time which the defendant actually spent in confinement before conviction, based on two premises, where (1) Bail has been set for the defendant and (2) The defendant was financially unable to post bail. Under such circumstances, the district court must allow such credits. To provide otherwise would tolerate invidious discrimination based upon a defendant's financial status. (Emphasis added). See Anglin v. State, 525 P.2d at 37. NRS 176.055 (1989).

Furthermore, NRS 176.105 commands that all credits awarded be reflected in the Judgment of Conviction:

If a defendant is found guilty and is... (b) sentenced as provided by law, the judgment of conviction must set forth... the exact amount of credit granted for the time spent in confinement before conviction, if any.

Here the Defendant spent 320 days in presentence custody prior to sentencing, from September 2, 2015 through January 15, 2020 that defendant actually spent in county jail.

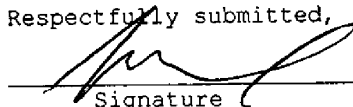
1        However, neither the common law nor statutory rule of awarding  
2 presentence credits is being applied to the Defendant's case. In  
3 essence, Defendant, an indigent person, is being denied equal  
4 protection of the laws and his actual due process rights, in violation  
5 of the Fourteenth Amendment to the United States Constitution and  
6 Article #4 of the Nevada Constitution.

7        Furthermore, since the Nevada Department of Corrections uses a  
8 method of calculation whereby the back date the sentencing date by the  
9 total amount of jail time credits, and inmate receives...denying  
10 defendant credit directly effects the amount of time the defendant must  
11 remain in custody.

12        THEREFORE, for those reasons cited above, Defendant respectfully  
13 requests Honorable Court to issue and grant an Amended Judgment of  
14 Conviction reflecting the actual time served in the county jail and to  
15 be accredited this award as expeditiously as possible, and that  
16 Valentina Knight herein seeks to have this Honorable Court issue its  
17 Orders granting the Defendant credit for a total of 320 days credit  
18 against the term of imprisonment and that the District Court direct the  
19 Clerk to notify the Nevada Department of Corrections, as well as the  
20 Defendant, by certified copies of the same Order of the credit due this  
21 Defendant.

22        Dated this 19th day of August, 2021

23        Respectfully submitted,

24          
Signature

25        Valentina Knight  
Print Name

DECLARATION UNDER PENALTY OF PERJURY

*I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.*

*I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.*

Dated this 19th day of August, 2021

  
Signature

1228728  
Nevada Department of Corrections ID #

<sup>1</sup> NRS 171.102

<sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury  
18 U.S.C.

§ 1621. Perjury generally

CERTIFICATE OF MAILING

STATE OF NEVADA  
COUNTY OF CLARK

I am the ☒ Plaintiff/Petitioner ☐ Defendant/Respondent

VALENTINA KNIGHT for Case No: C15-309123-2

On this 19th day of August, 2021, I mailed a copy of the

Following document(s):

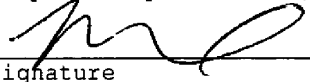
1. MOTION TO AMEND CONVICTION AND JAIL TIME CREDIT
2. AFFIDAVIT
3. Request for Submission of Motion
4. ORDER
5. \_\_\_\_\_

By United States First Class Mail, to the following addresses:

1. CLERK OF COURT  
333 Las Vegas Blvd.  
Las Vegas, NV 89011
2. \_\_\_\_\_
3. \_\_\_\_\_

Dated this 19th day of August, 2021.

Respectfully submitted,

  
Signature

Valentina Knight  
Printed Name



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DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 19th day of August, 2021

[Signature]  
Signature

1228728  
Nevada Department of Corrections ID #

<sup>1</sup> NRS 171.102

<sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury

18 U.S.C.

§ 1621. Perjury generally

CASE NUMBER Case-C15309123-2

EXHIBIT 1

---

*Steven D. Grierson*

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

6 DISTRICT COURT  
7 CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,  
9 Plaintiff,

10 -vs-

11 VALENTINA MONEE KNIGHT,  
12 #7018909

13 Defendant.

CASE NO: C-15-309123-2

DEPT NO: XIX

14 JUDGMENT OF CONVICTION  
15 (PLEA OF GUILTY)

16 The Defendant previously appeared before the Court with counsel and entered a plea  
17 of guilty to the crime(s) of BURGLARY (Category B Felony), in violation of NRS 205.060;  
18 thereafter, on the 12th day of April, 2017, the Defendant was present in court for sentencing  
19 with his counsel, JAMES GALLO, ESQ., and good cause appearing,

20 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in  
21 addition to the \$25.00 Administrative Assessment Fee, a \$150.00 DNA Analysis fee including  
22 testing to determine genetic markers, a \$3.00 DNA Collection fee, a \$5,000.00 fine and  
23 restitution in the amount of \$557.76 to be paid jointly and severally with Co-Defendant  
24 Moustapha Dioubate, the Defendant is sentenced as follows: to a MINIMUM of FORTY-  
25 EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS  
26 in the Nevada Department of Corrections (NDC); with TWO HUNDRED SEVENTY (270)

27 ///

28 ///

<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 DAYS credit for time served; SUSPENDED. The Defendant is placed on PROBATION for  
2 an indeterminate period not to exceed FIVE (5) YEARS with the following CONDITIONS:

3 Comply with standard probation conditions as follows;

4 1. Reporting: You are to report in person to the Division of Parole and Probation as instructed  
5 by the Division or its agent. You are required to submit a written report each month on forms  
6 supplied by the Division. This report shall be true and correct in all respects.

7 2. Residence: You shall not change your place of residence without first obtaining permission  
8 from the Division of Parole and Probation, in each instance.

9 3. Intoxicants: You shall not consume any alcoholic beverages (whatsoever) (to excess). Upon  
10 order of the Division of Parole and Probation or its agent, you shall submit to a medically  
11 recognized test for blood/breath alcohol content. Test results of .08 blood alcohol content or  
12 higher shall be sufficient proof of excess.

13 4. Controlled Substances: You shall not use, purchase or possess any illegal drugs, or any  
14 prescription drugs, unless first prescribed by a licensed medical professional. You shall  
15 immediately notify the Division of Parole and Probation of any prescription received. You  
16 shall submit to drug testing as required by the Division or its agent.

17 5. Weapons: You shall not possess, have access to, or have under your control, any type of  
18 weapon.

19 6. Search: You shall submit your person, property, place of residence, vehicle or areas under  
20 your control to search including electronic surveillance or monitoring of your location, at any  
21 time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation  
22 of probation by the Division of Parole and Probation or its agent.

23 7. Associates: You must have prior approval by the Division of Parole and Probation to  
24 associate with any person convicted of a felony, or any person on probation or parole  
25 supervision. You shall not have any contact with persons confined in a correctional institution  
26 unless specific written permission has been granted by the Division and the correctional  
27 institution.

28 ///



1 AJOC

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA  
5

6 THE STATE OF NEVADA,

7 Plaintiff,

CASE NO. C-15-309123-2

8 -vs-

DEPT. NO. XIX

9  
10 VALENTINA MONEE KNIGHT  
11 #7018909

12 Defendant.

13  
14 ORDER FOR REVOCATION OF PROBATION AND  
15 AMENDED JUDGMENT OF CONVICTION  
16

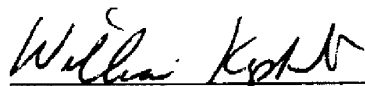
17 The Defendant previously appeared before the Court with counsel and entered a plea of  
18 guilty to the crime of BURGLARY (Category B Felony) in violation of NRS 205.060;  
19 thereafter, on the 12<sup>th</sup> day of April, 2017, the Defendant was present in court for sentencing with  
20 counsel, wherein the Court did adjudge the Defendant guilty thereof by reason of the plea of  
21 guilty, suspended the execution of the sentence imposed and granted probation to the  
22 Defendant.  
23

24 THEREAFTER, a parole and probation officer provided the Court with a written  
25 statement setting forth that the Defendant has, in the judgment of the parole and probation  
26 officer, violated the conditions of probation; and on the 15<sup>th</sup> day of January, 2020, the  
27  
28

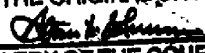
1 Defendant appeared in court with counsel MICHAEL W. SANFT, ESQ., and pursuant to a  
2 probation violation hearing/proceeding and good cause appearing to amend the Judgment of  
3 Conviction,  
4

5 IT IS HEREBY ORDERED that the probation previously granted to the Defendant is  
6 REVOKED; in addition to the original fees, fines and assessments COURT orders \$148.51  
7 Extradition Fees, IT IS FURTHER ORDERED that the original sentence is imposed as follows:  
8 a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole  
9 eligibility of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC);  
10 with TWO HUNDRED NINETY-SIX (296) DAYS credit for time served.  
11

12 DATED this 16<sup>th</sup> day of January, 2020.

13  
14   
15 WILLIAM D. KEPHART  
16 DISTRICT COURT JUDGE  
17

18 CERTIFIED COPY  
19 DOCUMENT ATTACHED IS A  
20 TRUE AND CORRECT COPY  
21 OF THE ORIGINAL ON FILE  
22  
23

24   
25 CLERK OF THE COURT  
26 MAY 13 2020  
27  
28

STATE OF NEVADA  
DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF PAROLE AND PROBATION

**PRIOR NOTICE OF CHARGES AND RECEIPT FOR DOCUMENTS**

I, KNIGHT, VALENTINA MONEE do hereby acknowledge that the following charges have been brought against me:

Alleged Violations

OUT-OF-STATE TRAVEL

LAWS

I, \_\_\_\_\_ do hereby acknowledge that I have been informed that due to one or more of the following reasons listed below, my violation case is not entitled to be heard at an informal preliminary inquiry, but will be taken directly before the Court/Parole Board for a formal revocation hearing.

1. ☒ Defendant is not being held in detention by Parole and Probation on any of the violations charged above.
2. ☐ Defendant has one or more new convictions, which are included in the violations charged above. (NRS 176A.580 (4) / NRS 213.1511 (4))
3. ☐ Other (Describe) \_\_\_\_\_

I, Valentina Knight do hereby acknowledge that I have received the following documents:

- (1) A copy of the Violation Report, and
- (2) A copy of the Prior Notice of Charges and Receipt of Documents.

[Signature]  
Witness

[Signature]  
Defendant

11/26/2019  
Date

**STATE OF NEVADA  
DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF PAROLE AND PROBATION**

**NOTICE OF PRELIMINARY INQUIRY HEARING**

You, KNIGHT, Valentina Monee Number: V17-3052

File/NDOC

are advised that an informal Preliminary Inquiry Hearing pertaining to the following alleged violation(s) of your Parole/Probation condition(s) shall be conducted to determine if you shall be held in custody to answer said allegation(s) before the Court/Board at a formal Revocation Hearing:

Alleged Violation
Reporting; Residence; Directives and Conduct
Laws; Out of State Travel
Special Conditions (2) Complete a substance abuse evaluation and any recommended case plan; Special Conditions (3) Complete an impulse control evaluation and any recommended case plan; Special Conditions
Financial Obligations; Special Conditions (5) Pay \$557.76 restitution in monthly installments to be determined by Parole and Probation based on income verification; to be paid joint / severally with co-defendant; Special Condition
(8) Pay \$5,000.00 Fine

Your Preliminary Inquiry Hearing is scheduled for \_\_\_\_\_  
at \_\_\_\_\_  
Date Time Location

At this hearing, you have these due process rights: to speak in your own behalf; retain counsel, present letters, documents, or persons who can present relevant information, and; question any person giving adverse information against you, unless in the opinion of the hearing officer the individual would be subjected to risk of harm by disclosure of his/her identity.

**You may waive this Preliminary Inquiry Hearing if you desire. Should you waive, your action shall in no way be considered an admission of guilt.**

*Please initial the appropriate response:*

\_\_\_\_\_ I desire to have a Preliminary Inquiry Hearing at the date, time, and location indicated above.

\_\_\_\_\_ I will retain \_\_\_\_\_  
Name to represent me.  
Address

\_\_\_\_\_ I wish to present the following witness (es) at my own expense:

_____	_____
Name	Address
_____	_____
Name	Address

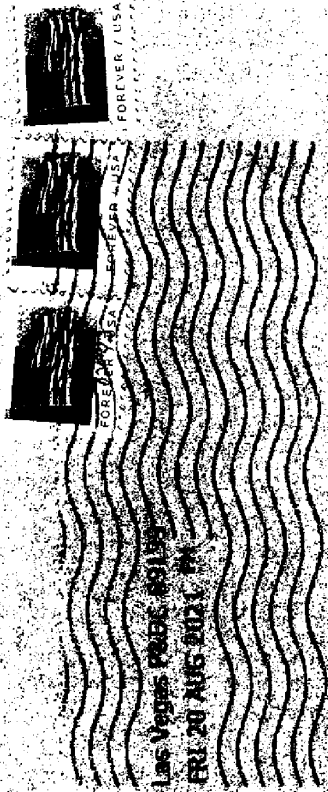
IC I waive my right to a Preliminary Inquiry Hearing and request to present my case directly to the Court/Board.

IC I have received a copy of the alleged violation(s) of Parole/Probation, and this, my Notice of Rights.

<u>[Signature]</u>	Number	<u>11/26/19</u>
Signature of Client		Date
<u>[Signature]</u>	<u>PO II</u>	<u>11/26/2019</u>
Signature of Witness	Position	Date



Valentina Knight # 1728728  
R.M.W.C.  
4370 Smiley RD,  
Las Vegas NV 89115



FILED	ENTERED	COUNSEL/PAGES OF RECORD	AUG 23 2021	CLERK US DISTRICT COURT DISTRICT OF NEVADA
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CLERK OF COURT  
333 Las Vegas Blvd.  
Las Vegas, Nevada 89101

XRAYED US MARSHALLS SERVICE

Printed  
on  
AUG 20 1991  
Olivetti

CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
LLOYD D. GEORGE U.S. COURTHOUSE  
393 LAS VEGAS BLVD. SO. - RM 1334  
LAS VEGAS, NV 89101

OFFICIAL BUSINESS



8th Judicial District Court  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89155

Florence McClure Women's Correctional Center  
4370 Smiley Rd.  
Las Vegas, NV 89115

FILED

AUG 30 2021

*[Signature]*  
CLERK OF COURT

In The 8th Judicial District Court of the State of Nevada  
In and for the County of CLARK

In the matter of:

VALENTINA KNIGHT  
Plaintiff/Petitioner

STATE OF NEVADA  
Defendant/Respondent

Case No: C45309123-2

Dept No.: III

**REQUEST FOR SUBMISSION OF MOTION**

It is requested that the Motion for

which was filed on the 19th day of August, 2021, in the above-entitled matter be submitted to the Court for decision.

The undersigned certifies that a copy of this request has been mailed to all counsel of record.

Dated this 19th day of August, 2021

Respectfully submitted,

*[Signature]*  
Signature

Valentina Knight  
Print Name

FILED

AUG 30 2021

*John J. Williams*  
CLERK OF COURT

Florence McClure Women's Correctional Center  
4370 Smiley Rd.  
Las Vegas, NV 89115

In the 8th Judicial District Court of the State of Nevada

In and for the County of CLARK

In the matter of:

VALENTINA KNIGHT

Plaintiff/Petitioner

v. STATE OF NEVADA

Defendant/Respondent

Case No: C-15-309-1232

Dept No.: III

**AFFIDAVIT**

1. I am the defendant in the above-entitled action untrained in the law;
2. I make this Affidavit in support of my Motion for Amended Judgment of Conviction for the time I spent in presentence custody in connection with the above-entitled action;
3. I have not received any/all credits in my original Judgment of Conviction for the time I spent in presentence custody in connection with the above-entitled action;
4. I was sentenced in the above-entitled action on or about 01/15/2020, and prior to sentencing served 320 days in custody from September 2, 2015 through January 15, 2020;
5. That I believe I should be credited with a total of 320 days pursuant to NRS 176.055 for the time spent in custody prior to sentencing.
6. If I am not given the credits sought, I will be incarcerated and deprived of my freedom and liberty for a period longer than allowed by law, and the sentence imposed by this court, unless this Honorable Court takes corrective action to provide full credit for all the time spent in custody prior to the imposition of sentence in the above-entitled action.

**DECLARATION UNDER PENALTY OF PERJURY**

I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 19th day of August, 2021

*Valentina Knight*  
Signature

1228728  
Nevada Department of Corrections ID #

<sup>1</sup> NRS 171.102

<sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury

18 U.S.C.

§ 1621. Perjury generally

*Steven D. Grierson*

Valentina Knight # 1228728  
FLORENCE MCCLURE WOMEN'S CORRECTIONAL CENTER  
4370 SMILEY ROAD  
LAS VEGAS, NV 89115

In the 8th Judicial District Court of the State of Nevada  
In and for the County of CLARK

VALENTINA KNIGHT )  
Appellant/Plaintiff/Petitioner

C-15-309123-2

v.

Case No. C-15-309123-2

THE STATE OF NEVADA )  
Appellee/Respondent/Defendant

**NOTICE OF APPEAL**

Notice is hereby given that VALENTINA KNIGHT, Petitioner above named in  
the above captioned case, hereby appeals to the **SUPREME COURT FOR THE STATE OF NEVADA**  
from the final judgment for THE MOTION TO CORRECT AN ILLEGAL SENTENCE  
entered on the 18th day of August, 2021.

Dated this 9th day of September, 2021

Respectfully submitted,

*Valentina Knight* Petitioner  
Signature/ Pro Se Litigant

Valentina Knight  
Print Name

RECEIVED  
SEP 20 2021  
CLERK OF THE COURT

Valentina Knight #1228728

F.M.W.C.C.

4370 Smiley RD

Las Vegas NV 89115

3.20

4/3/5

CLERK

ZOC

Las 1

~~Legal~~  
~~Confidential~~

2559913 \$1.76

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Quodient

FIRST-CLASS MAIL

09/15/2021

US POSTAGE

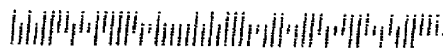
\$001.76



ZIP 89101

041M12254121

OF COURT  
Lewis Avenue  
Las Vegas Nevada 89155





Valentina Knight # 1226728  
FLORENCE MCCLURE WOMEN'S CORRECTIONAL CENTER  
4370 SMILEY ROAD  
LAS VEGAS, NV 89115

Steven D. Grierson

In the 8th Judicial District Court of the State of Nevada  
In and for the County of CLARK

In the matter of:

VALENTINA KNIGHT )  
Appellant/Plaintiff/Petitioner

v.

Case No. C15309123-2

THE STATE OF NEVADA )  
Appellee/Respondent/Defendant

**DESIGNATION OF RECORD ON APPEAL**

COMES NOW Appellant, Valentina Knight, a pro se litigant and hereby designates the entire record of the above-captioned case to include all pleadings, transcripts, papers, and documents for the **NOTICE OF APPEAL IN THE SUPREME COURT FOR THE STATE OF NEVADA.**

Appellant also requests that the District Court include in this Designation of Record, as applicable, the following documents:

1. ORDER
2. NOTICE OF ENTRY OF ORDER
3. FINDINGS OF FACT AND LAW

Dated this 4th day of September, 2021

Respectfully submitted,

[Signature], Appellant  
Pro Se Litigant

Valentina Knight  
Print Name

RECEIVED  
SEP 20 2021  
CLERK OF THE COURT

CERTIFICATE OF MAILING

STATE OF NEVADA  
COUNTY OF CLARK

I am the ☒ Plaintiff/Petitioner ☐ Defendant/Respondent Valentina

Knight for Case No: C15309123-2

On this 14th day of September, 20 21, I mailed a copy of the

Following document(s):

1. NOTICE OF APPEAL
2. DESIGNATION OF RECORD ON APPEAL
3. MOTION TO RECONSIDER
4. \_\_\_\_\_
5. \_\_\_\_\_

By United States First Class Mail, to the following addresses:

- |                            |                               |
|----------------------------|-------------------------------|
| 1. <u>CLERK OF COURT</u>   | 2. <u>CLARK COUNTY DIST-</u>  |
| <u>200 LEWIS AVE.</u>      | <u>RICT ATTORNEY'S OFFICE</u> |
| <u>LAS Vegas, NV 89155</u> | <u>200 Lewis Ave</u>          |
| _____                      | <u>Las Vegas, NV 89155</u>    |

- |          |          |
|----------|----------|
| 3. _____ | 4. _____ |
| _____    | _____    |
| _____    | _____    |
| _____    | _____    |

Dated this 14th day of September, 20 21.

Respectfully submitted,

[Signature]  
Signature

Valentina Knight  
Printed Name

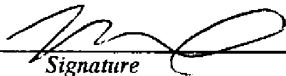
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DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this \_\_\_\_\_ day of September, 20 21

  
Signature

1228728  
Nevada Department of Corrections ID #

<sup>1</sup> NRS 171.102  
<sup>2</sup> NRS 208.165  
<sup>3</sup> 28 U.S.C.  
§1746. Unsworn declarations under penalty of perjury  
18 U.S.C.  
§ 1621. Perjury generally

FILED  
SEP 22 2021

*John L. Smith*  
CLERK OF COURT

1 VALENTINA KNIGHT # 1228728  
2 Florence McClure Women's Correctional Center  
3 4370 Smiley Road  
4 Las Vegas, NV 89115

5 In the 8th Judicial District Court of the State of Nevada  
6 In and for the County of CLARK

7 In the matter of:

8 VALENTINA KNIGHT )  
9 Plaintiff/Petitioner )  
10 V. )  
11 THE STATE OF NEVADA )  
12 Defendant/Respondent )

Case No: C15309123-2

Dept. No: III

October 13, 2021  
8:30 AM

13 MOTION TO RECONSIDER MOTION TO CORRECT AN  
14 ILLEGAL SENTENCE

15 COMES NOW, PETITIONER, VALENTINA KNIGHT, IN  
16 response to her "Motion to Correct An ILLEGAL Sentence"  
17 being Dismissed without prejudice on August 18, 2021. This  
18 Honorable Court Dismissed the above Stated Motion on the  
19 grounds that the dollar amount in question in  
20 above Stated motion, may be a "fictitious" dollar  
21 amount, only to satisfy the Plea Agreement.  
22 In a response to the Governments Claims in  
23 above Stated motion, Petitioner provided this  
24 Court with the PSI of Petitioner that  
25 Proves the amount of the loss of the  
Hotel "Bellagio" was in fact \$557,76.00.

Page Number 1

CLERK OF THE COURT

SEP 20 2021

RECEIVED

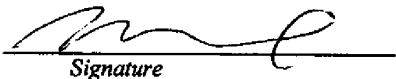
1 The investigators, which is a nvetural party, at the  
2 Parole and Probation office, reached out to the hotel  
3 themselves and asked for the dollar amount of the  
4 loss in above stated case and "Bellagio" provided the  
5 investigators with the dollar amount of the loss.  
6 Attached is the PSI "Exhibit I" for the courts  
7 review, with said information on "Page 5" I, Petitioner,  
8 gave birth to a baby here in Prison and have  
9 Children at home that need me. I would humbly ask  
10 this Honorable Court to review my case for the above  
11 stated reasons. Also I would humbly ask this Court  
12 to review its decision to Dismiss above stated motion  
13 in lite of clarification of the dollar amount in question  
14 and proof thereof.

15  
16 DECLARATION UNDER PENALTY OF PERJURY

17 I, the undersigned, understand that a false statement or answer to any question in this declaration will  
18 subject me to penalties of perjury.

19 I declare, under the penalty of perjury under the laws of the United States of America, that the above  
20 and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of  
21 'NRS 171.102 and 'NRS 208.165. See '28 U.S.C. 1746 and 18 U.S.C. 1621.

22 Dated this 14<sup>th</sup> day of September, 2021

23   
24 Signature

25 1228728  
26 Nevada Department of Corrections #

27 <sup>1</sup> NRS 171.102

28 <sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury

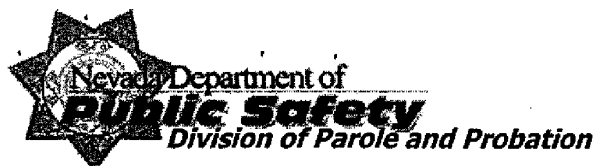
18 U.S.C.

§ 1621. Perjury generally

CASE NUMBER C193091232

**EXHIBIT** 1

---



## PRESENTENCE INVESTIGATION REPORT

The Honorable William D. Kephart  
Department XIX, Clark County  
Eighth Judicial District Court

Date Report Prepared: February 16, 2017

Prosecutor: Noreen Demonte, Chief DDA  
Defense Attorney: Michael D. Pariente, Retained

PSI: 511190

### I. CASE INFORMATION

Defendant: Valentina Monce Knight  
Case: G-15-309123-2  
ID: 7018909  
P&P Bin: 1004295762

PCN: 25561710  
Offense Date: 05-04-15  
Arrest Date: 05-04-15  
Plea Date: 01-04-17  
Sentencing Date: 03-15-17

### II. CHARGE INFORMATION

Offense: Burglary (F)  
NRS: 205.060  
NOC: 50424

Category: B

**Penalty:** By imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000. A person who is convicted of burglary and who has previously been convicted of burglary or another crime involving the forcible entry or invasion of a dwelling must not be released on probation or granted a suspension of sentence.

**III. DEFENDANT INFORMATION**

Address: 8030 Glimmer Glass  
City/State/Zip: Henderson, Nevada 89178  
NV Resident: Yes  
SSN: 344-78-5227  
POB: Chicago, Illinois  
Date of Birth: 06-13-87  
Age: 29  
Phone: (347) 387- 9955  
Driver's License: None reported  
State: N/A  
Status: N/A

FBI: 760242DD3  
SID: NV04520983  
Aliases: Sherry Marie Hudson, Valentina M. Knight  
Additional SSNs: None reported  
Additional DOBs: None reported  
Additional POB: None reported  
Alien Registration: N/A  
US Citizen: Yes  
Notification Required per NRS 630.307: N/A

**Identifiers:**

Sex: F                      Race: B                      Height: 5'03"                      Weight: 140  
Hair: Black                      Eyes: Brown  
Scars: None reported  
Tattoos (type and location): None reported

**Social History:** The following social history is as related by the defendant and is unverified unless otherwise noted:

**Childhood/Family:** The defendant was born in Chicago, Illinois and stated her parents separated when she was an infant and was raised by her mother. The defendant and her four siblings were sent to live in foster homes when she was seven years old for approximately nine months while her mother "got herself together." She stated her mother was on drugs and around the age of twelve Ms. Knight was molested by one of her mother's boyfriends. Nonetheless, the defendant described her childhood and relationship with her family as "pretty normal."

**Marital Status:** Married since June 2015.

**Children:** One son, age 11.

**Custody Status of Children:** The defendant reported full legal custody of her son.

**Monthly Child Support Obligation:** None reported

**Employment Status:** Employed as a business owner for M&V Fast and Efficient Trucking since 2015. She was previously employed at Chase Bank from March 2011 to January 2014 as a Global Banking Representative. She also worked as a temporary worker for Faulkner Parts for nine months in 2010 and for approximately one year in customer service for U.S. Cellular.

**Number of Months Employed Full Time in 12 months Prior to Commission of Instant Offense:** 12

**Age at first arrest:** 19 or younger ☒                      20- 23 ☐                      24 or older ☐

**Income:** \$2,000.00 per month (business)                      **Other Sources:** None reported



## Page 3

**PRESENTENCE INVESTIGATION REPORT  
VALENTINA MONEE KNIGHT  
CC#: C-15-309123-2**

**Page 4**

**Adult:**

<b>Arrest Date:</b>	<b>Offense:</b>	<b>Disposition:</b>
05-04-15 Las Vegas, NV LVMPD	1. Burglary, (1 <sup>st</sup> ) (F) 2. Forgery Credit/Debit Card With Intent to Defraud (F) 3. Possess Identification Information for False Stat/Occup/Lic/ID (F) 4. Possess Document/Personal ID to Commit Forgery/Counterfeit (F) 5. conspiracy to Commit Burglary (GM) 6. conspiracy to Commit Forgery Credit/Debit Card to Defraud (GM) RMD: 07-15-15, 12-05-16	<b>Instant Offense, CC#: C-15-309123-2</b>
11-18-16 Glendale, WI Glendale PD	1. Misappropriation of Personal Identification to Obtain Value or Benefit (F) 11-22-16: Charges added 1. Credit Card-forgery (Alteration, ETC) (3 counts) (F)	<b>2016CF005250</b> Pending case 11-30-16, pled not guilty 03-30-17, status check scheduled.

Additionally, the defendant was arrested, detained or cited in Nevada and Wisconsin between December 06, 2004, and present for the following offenses for which no disposition is noted, prosecution was not pursued or charges were dismissed: Theft – Business Setting <= \$2,500.00; Misappropriation of Personal Identification; Possession of Electric Weapon; Resisting or Obstructing Officer; Theft-Movable Property; and Forgery Credit/Debit Card With Intent to Defraud.

Additionally, the defendant's criminal history consists of several instances of failure to appear, failure to comply, and/or failure to pay traffic citations.

**Supplemental Information:** N/A

**Institutional/Supervision Adjustment:** N/A

**V. OFFENSE SYNOPSIS**

Records provided by the Las Vegas Metropolitan Police Department and the Clark County District Attorney's Office reflect that the instant offense occurred substantially as follows:

On May 05, 2015, a detective was contacted by an officer, who had responded to a call at the Bellagio Hotel and Casino. Details of the call advised that two subjects were currently being detained by security officers due to a fraudulent room rental

Further investigation revealed that the front desk manager of the Bellagio had been contacted by Orbitz in reference to a guest who had rented a room at the Bellagio using Orbitz as a third party booker.

**PRESENTENCE INVESTIGATION REPORT  
VALENTINA MONÉE KNIGHT  
CC#: C-15-309123-2**

**Page 5**

The man renting the room, later identified as the co-defendant, Moustapha Dioubate, had provided a credit card number to Orbitz, who later received notification the card was fraudulent. Once Orbitz contacted the Bellagio hotel, the hotel pinned out the room Mr. Dioubate was renting so that access could not be made into the room.

Mr. Dioubate and a female, who was later identified as the defendant, Valentina Knight, approached the front desk a short time later. The female retrieved a credit card from her purse and handed it to Mr. Dioubate who gave the card to the front desk representative. Both Ms. Knight and Mr. Dioubate were detained by security officers after it was determined the credit card was fraudulent. The two were then escorted to security holding where security searched both subjects. A security officer located a large amount of credit cards and identifications in a brown leather bag, which Ms. Knight was carrying. Security then contacted police.

Upon arrival, the Las Vegas Metropolitan Police Officer immediately noticed there were multiple identifications with different names on the table. The identifications had pictures with the likeness of Mr. Dioubate and Ms. Knight and appeared fraudulent. The credit cards and identification cards were found to be counterfeit. As an officer began to search the above mentioned bag, Ms. Knight immediately stated "I didn't give you consent to search that."

The officer attempted to talk to both Mr. Dioubate and Ms. Knight, but both requested the presence of an attorney, therefore no further questions were asked of them. Due to the above listed fact and circumstances both Valentina Knight and Moustapha Dioubate were arrested, transported to the Clark County Detention Center, and booked accordingly.

**Co-Defendant/Offender Information:** Moustapha Dioubate pled guilty to Burglary (F) and is scheduled to appear in the Eighth Judicial District Court in Department XIX on March 15, 2017 for sentencing.

**VI. DEFENDANT'S STATEMENT**

☐ See Attached    ☒ Defendant interviewed, no statement submitted    ☐ Defendant not interviewed

**VII. VICTIM INFORMATION/STATEMENT**

The victim business (VC2118087) was contacted and indicated a loss of \$557.76 as a result of the instant offense.

The Division recommends restitution in the amount of \$557.16 be paid Jointly and Severally with the Co-Defendant Moustapha Dioubate.

**VIII. CUSTODY STATUS/CREDIT FOR TIME SERVED**

**Custody Status:** In Custody, CCDC

**CTS: 233 DAYS:** 05-04-15 to 05-21-15 (CCDC) = 28 Days  
07-15-15 to 10-26-15 (CCDC) = 104 Days  
12-05-16 to 03-15-17 (CCDC) = 101 Days

**IX. PLEA NEGOTIATIONS**

The State will make no recommendation at sentencing. The plea is contingent upon both the Defendant's accepting negotiations.

**X. RECOMMENDATIONS**

Based on information obtained and provided in this report, the following recommendations are submitted.

**190 Day Regimental Discipline Program: N/A**      **Deferred Sentence Per NRS 453.3363, 458.300, 458A.200, 176A.250, 176A.280: N/A**

**FEEES**

<b>Administrative Assessment: \$25.00</b>	<b>Chemical/Drug Analysis: N/A</b>	<b>DNA: \$150.00 and submit to testing</b>
<b>DNA Admin Assessment: \$3.00</b>		
<b>Domestic Violence Fee: N/A</b>	<b>Extradition: N/A</b>	<b>Psychosexual Fee: N/A</b>

**SENTENCE**

<b>Minimum Term: 12 months</b>	<b>Maximum Term: 48 months</b>	<b>Location: NDOC</b>
<b>Consecutive to/Concurrent With: N/A</b>	<b>Probation Recommended: Yes</b>	<b>Probation Term: NTE 5 years</b>
<b>Fine: \$500.00</b>	<b>Restitution: \$557.76 Jointly and Severally</b>	<b>Mandatory Probation/Prison: N/A</b>

**STANDARD PROBATION AGREEMENT AND RULES:**

1. **Reporting:** You are to report in person to the Division of Parole and Probation as instructed by the Division or its agent. You are required to submit a written report each month on forms supplied by the Division. This report shall be true and correct in all respects.
2. **Residence:** You shall not change your place of residence without first obtaining permission from the Division of Parole and Probation, in each instance.
3. **Intoxicants:** You shall not consume any alcoholic beverages (whatsoever) (to excess). Upon order of the Division of Parole and Probation or its agent, you shall submit to a medically recognized test for blood/breath alcohol content. Test results of .08 blood alcohol content or higher shall be sufficient proof of excess.
4. **Controlled Substances:** You shall not use, purchase or possess any illegal drugs, or any prescription drugs, unless first prescribed by a licensed medical professional. You shall immediately notify the Division of Parole and Probation of any prescription received. You shall submit to drug testing as required by the Division or its agent.
5. **Weapons:** You shall not possess, have access to, or have under your control, any type of weapon.
6. **Search:** You shall submit your person, property, place of residence, vehicle or areas under your control to search including electronic surveillance or monitoring of your location, at any time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation of probation by the Division of Parole and Probation or its agent.
7. **Associates:** You must have prior approval by the Division of Parole and Probation to associate with any person convicted of a felony, or any person on probation or parole supervision. You shall not have any contact with persons confined in a correctional institution unless specific written permission has been granted by the Division and the correctional institution.
8. **Directives and Conduct:** You shall follow the directives of the Division of Parole and Probation and your conduct shall justify the opportunity granted to you by this community supervision.
9. **Laws:** You shall comply with all municipal, county, state, and federal laws and ordinances.

10. **Out-of-State Travel:** You shall not leave the state without first obtaining written permission from the Division of Parole and Probation.
11. **Employment/Program:** You shall seek and maintain legal employment, or maintain a program approved by the Division of Parole and Probation and not change such employment or program without first obtaining permission. All terminations of employment or program shall be immediately reported to the Division.
12. **Financial Obligation:** You shall pay fees, fines, and restitution on a schedule approved by the Division of Parole and Probation. Any excess monies paid will be applied to any other outstanding fees, fines, and/or restitution, even if it is discovered after your discharge.
13. **Special Conditions:**
  1. Comply with an imposed curfew by Parole and Probation as deemed necessary.
  2. Complete substance abuse evaluation and complete any recommended case plan.
  3. Complete impulse control evaluation and complete any recommended case plan.
  4. Satisfy warrants within the first 60 days of probation.
  5. That the defendant effect restitution to the victim in the amount of \$557.76 as ordered by the Court, paid through the Division of Parole and Probation, and that monthly payments are made every thirty (30) days subject to modification based upon income as verified by the Division jointly and severally with the co-defendant, Moustapha Dioubate.
  6. No gambling or entry into any gaming establishment unless employed therein.
  7. Submit to full and complete financial disclosure.

☒ Pursuant to NRS 239B.030, the undersigned hereby affirms this document contains the social security number of a person as required by NRS 176.145.

☐ Pursuant to NRS 239B.030, the undersigned hereby affirms this document does not contain the social security number of any person.

**PRESENTENCE INVESTIGATION REPORT  
VALENTINA MONEE KNIGHT  
CC#: C-15-309123-2**

**Page 8**

Per the Nevada Supreme Court opinion in *Stockmeier v. Nevada Board of Parole Commissioners et al.*, any changes to factual allegations in the Presentence Investigation Report must be made at or before sentencing. Permanent changes to Criminal History must be initiated by the defendant by submitting a written request to the Criminal History Repository in the reporting state.

The information used in the Presentence Investigation Report may be utilized reviewed by federal, state and/or local agencies for the purpose of prison classification, program eligibility and parole consideration.

In accordance with current Interstate Commission for Adult Offender Supervision rules and requirements, all felony convictions and certain [gross] misdemeanors are offense eligible for compact consideration. Due to Interstate Compact standards, this conviction may or may not be offense eligible for courtesy supervision in the defendant's state of residence. If not offense eligible, the Division may still authorize the offender to relocate to their home state and report by mail until the term of probation is complete and/or the case has been completely resolved.

Respectfully Submitted,

Natalie A. Wood, Chief

Report prepared by: D. Zeemer  
DPS Parole and Probation, Specialist III

Approved by:

---

R. Kiserow, DPS Parole and Probation Supervisor  
Southern Command, Las Vegas

Valentina Knight #1228728

F.M.W.C.C.

4370 Smiley RD

Las Vegas NV 89115

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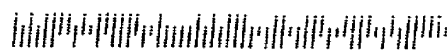
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041M12254121

OF COURT  
Lewis Avenue  
Las Vegas, Nevada 89135







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STATE OF NEVADA,

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Plaintiff(s),

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vs.

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VALENTINA MONEE KNIGHT,

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Defendant(s),

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## CASE APPEAL STATEMENT

18

1. Appellant(s): Valentina Knight

19

2. Judge: Monica Trujillo

20

3. Appellant(s): Valentina Knight

21

Counsel:

22

23

Valentina Knight #1228728

24

4370 Smiley Rd.

25

Las Vegas, NV 89115

26

4. Respondent: The State of Nevada

27

Counsel:

28

Steven B. Wolfson, District Attorney

29

200 Lewis Ave.

Las Vegas, NV 89101

1 (702) 671-2700

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

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

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

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

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

9 9. Date Commenced in District Court: September 1, 2015

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

11 Type of Judgment or Order Being Appealed: Misc. Order

12 11. Previous Appeal: Yes

13 Supreme Court Docket Number(s): 82316

14 12. Child Custody or Visitation: N/A

15 Dated This 22 day of September 2021.

16 Steven D. Grierson, Clerk of the Court

17  
18 /s/ Amanda Hampton

19 Amanda Hampton, Deputy Clerk  
20 200 Lewis Ave  
21 PO Box 551601  
22 Las Vegas, Nevada 89155-1601  
(702) 671-0512

23 cc: Valentina Knight  
24  
25  
26  
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28



1 AINF  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 BERNARD ZADROWSKI  
6 Chief Deputy District Attorney  
7 Nevada Bar #006545  
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 VALENTINA MONEE KNIGHT,  
13 #7018909

14 Defendant.

CASE NO. C-15-309123-2

DEPT NO. III

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 VALENTINA MONEE KNIGHT, the Defendant(s) above named, having  
20 committed the crime of **ATTEMPT BURGLARY (Category C Felony - NRS 205.060,**  
21 **193.330 - NOC 50442)**, on or about the 4th day of May, 2015, within the County of Clark,  
22 State of Nevada, contrary to the form, force and effect of statutes in such cases made and  
23 provided, and against the peace and dignity of the State of Nevada, did willfully, unlawfully,

24 //

25 //

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27 //

28 //

1 and feloniously attempt to enter a business, owned or occupied by BELLAGIO HOTEL &  
2 CASINO, located at 3600 Las Vegas Boulevard, Las Vegas, Clark County, Nevada, with  
3 intent commit larceny, and/or assault or battery, and/or a felony, and/or to obtain money or  
4 property by false pretenses.

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

7  
8 BY

BB  
9 BERNARD ZADROWSKI  
Chief Deputy District Attorney  
Nevada Bar #006545

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27 DA#15F06822B/cg/L2  
28 LVMPD EV#1505044592  
(TK14)

**ORDR**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**MORGAN THOMAS**  
Deputy District Attorney  
Nevada Bar #014771  
200 Lewis Avenue  
Las Vegas, NV 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

VALENTINA MONEE KNIGHT,  
#7018909

Defendant.

CASE NO: C-15-309123-2

DEPT NO: III

**ORDER DENYING WITHOUT PREJUDICE DEFENDANT'S MOTION TO  
CORRECT AN ILLEGAL SENTENCE**

DATE OF HEARING: August 18, 2021

TIME OF HEARING: 08:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 18th day of August, 2021, the Defendant being present, represented by LYNN AVANTS, Deputy Public Defender, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through MORGAN THOMAS, Deputy District Attorney, and the Court having heard the arguments of counsel and good cause appearing therefor,

///

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///

///

1 Court FINDS the sentence was lawful and did not have jurisdiction, therefore,  
2 IT IS HEREBY ORDERED that the Defendant's Motion to Correct an Illegal  
3 Sentence, shall be, and it is DENIED WITHOUT PREJUDICE.


4 DATED this \_\_\_\_\_ day of August, 2021,

Dated this 29th day of September, 2021

5   
6 DISTRICT JUDGE

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

2BB 2AB B8ED 3361  
Monica Trujillo  
District Court Judge

9 BY  for  
10 MORGAN THOMAS  
11 Deputy District Attorney  
12 Nevada Bar #014771

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1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 State of Nevada

CASE NO: C-15-309123-2

7 vs

DEPT. NO. Department 3

8 Valentina Knight

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 9/29/2021

15 STEVEN WOLFSON, ESQ.

motions@clarkcountynyda.com

1 **FCL**  
2 **STEVEN B. WOLFSON**  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 **JONATHAN VANBOSKERCK**  
6 Chief Deputy District Attorney  
7 Nevada Bar #6528  
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 VALENTINA MONEE KNIGHT,  
13 #7018909  
14 Defendant.

CASE NO: A-20-820448-W

C-15-309123-2

DEPT NO: III

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

16 DATE OF HEARING: AUGUST 23, 2021  
17 TIME OF HEARING: 8:30AM

18 This cause having come on for hearing before the Honorable Monica Trujillo, District  
19 Judge, on August 23, 2021, the Petitioner, pro se, not appearing, the Respondent being  
20 represented by Steven B. Wolfson, District Attorney, through Steve Waters, Chief Deputy  
21 District Attorney, and the Court having considered the matter, including briefs, transcripts,  
22 and documents on file herein, now therefore, the Court makes the following findings of fact  
23 and conclusions of law:

24 //

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Further investigation revealed that the front desk manager of the Bellagio had been contacted by Orbitz in reference to a guest who had rented a room at the Bellagio using Orbitz as a third party booker.

The co-defendant and a female, who was later identified as Petitioner, approached the front desk a short time later. Petitioner retrieved a credit card from her purse and handed it to the co-defendant, who gave the card to the front desk representative. Both Petitioner and the co-defendant were detained by security officers after it was determined the credit card was fraudulent. The two were then escorted to security holding where security searched both subjects. A security officer located a large amount of credit cards and identifications in a brown leather bag, which Petitioner was carrying. Security then contacted police.

The officer attempted to talk to both the co-defendant and Petitioner, but both requested the presence of an attorney, therefore no further questions were asked of them.

## I. THIS PETITION IS TIME-BARRIED

3

1 Unless there is good cause shown for delay, a petition that challenges the  
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10 Dickerson v. State, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133-34 (1998). An amended  
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18 The Nevada Supreme Court has held that the district court has a *duty* to consider  
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20 Judicial Dist. Court (Riker), 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). The Riker Court  
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26 Id.

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1 Court has granted no discretion to the district courts regarding whether to apply the statutory  
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3 Here, the Judgment of Conviction was filed on May 1, 2017, and Petitioner did not file  
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5 until March 30, 2021, nearly four years later. Absent a showing of good cause for this delay,  
6 as well as undue prejudice, the Petition must be dismissed.

## 7 **II. THIS PETITION IS ABUSIVE**

8 NRS 34.810(2) states:

9 A second or successive petition must be dismissed if the judge or justice  
10 determines that it fails to allege new or different grounds for relief and that  
11 the prior determination was on the merits or, if new and different grounds are  
12 alleged, the judge or justice finds that the failure of the petitioner to assert  
those grounds in a prior petition constituted an abuse of the writ.

13 Second or successive petitions will only be decided on the merits if the petitioner can  
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28 Nev. at 231, 112 P.3d at 1074.

1 This is Petitioner's second request for habeas relief within a year. Her first Petition did  
2 not contain the claims she now raises. This Petition is an abuse of the writ.

3 **III. PETITIONER CANNOT DEMONSTRATE GOOD CAUSE SUFFICIENT TO**  
4 **IGNORE THE PROCEDURAL DEFAULTS**

5 A showing of good cause and prejudice may overcome procedural bars. "To establish good  
6 cause, appellants *must* show that an impediment external to the defense prevented their  
7 compliance with the applicable procedural rule. A qualifying impediment might be shown  
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16 Here, Petitioner cannot demonstrate good cause to overcome the procedural bars. She  
17 relies upon a letter from prior counsel, claiming the letter "proving" her attorney's negligence  
18 was new. Petition at 4. However, the letter is dated September 22, 2020, months before the  
19 denial of her first petition. She had months within which she could have supplemented her  
20 prior petition and did not do so. The letter in question also fails to establish anything of  
21 relevance to her claims of ineffective assistance of counsel, so it cannot amount to good cause.

22 **IV. PETITIONER CANNOT DEMONSTRATE PREJUDICE SUFFICIENT TO**  
23 **IGNORE THE PROCEDURAL DEFAULTS**

24 To establish prejudice sufficient to overcome procedural bars, the defendant must show  
25 "not merely that the errors of [the proceedings] created possibility of prejudice, but that they  
26 worked to his actual and substantial disadvantage, in affecting the state proceedings with error  
27 of constitutional dimensions." Hogan v. Warden, 109 Nev. 952, 960, 860 P.2d 710, 716  
28 (1993) (quoting United States v. Frady, 456 U.S. 152, 170, 102 S. Ct. 1584, 1596 (1982)).

1           Petitioner's claims fail to show the alleged errors worked to her actual and substantial  
2 disadvantage.

3           **a. Ground 1**

4           Petitioner claims the September 22, 2020, letter from Mr. Gallo shows he was somehow  
5 ineffective. Petition at 4. This claim fails because even if Mr. Gallo did not have Petitioner's  
6 original file, this does not demonstrate deficient performance or prejudice to Petitioner. Mr.  
7 Gallo was not her attorney at the entry of her plea. Petitioner appears to conflate the entry of  
8 her guilty plea and her sentencing. Petition at 9. The Court Minutes show Mr. Gallo  
9 substituting in on March 15, 2017, after Petitioner pled guilty on January 4, 2017.

10           Mr. Gallo did not need the files of Mr. Pariente, Petitioner's original attorney, to assist  
11 her in moving to withdraw her plea, which is why he was hired. See Motion to Place on  
12 Calendar to Request Reconsideration of Revocation of Probation, filed April 24, 2017.  
13 Petitioner does not assert any action was mishandled as a result of her attorney at sentencing  
14 not having her original file. Petitioner's claims are bare, naked and only appropriate for  
15 summary denial. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). Petitioner's  
16 claim fails to establish even a prima facie case of ineffective assistance of counsel.

17           **b. Ground 2**

18           Petitioner cannot enter a guilty plea then later raise independent claims alleging a  
19 deprivation of her rights before entry of the plea. See State v. Eighth Judicial District Court,  
20 121 Nev. 225, 112 P.3d 1070, n.24 (2005). Generally, the entry of a guilty plea waives any  
21 right to appeal from events occurring prior to the entry of the plea. See Webb v. State, 91 Nev.  
22 469, 538 P.2d 164 (1975). "[A] guilty plea represents a break in the chain of events which  
23 has preceded it in the criminal process. . . . [A defendant] may not thereafter raise independent  
24 claims relating to the deprivation of constitutional rights that occurred prior to the entry of the  
25 guilty plea." Id. (quoting Tollett, 411 U.S. at 267). Substantive claims are beyond the scope  
26 of habeas and waived. NRS 34.724(2)(a); NRS 34.810(1)(a); Evans v. State, 117 Nev. 609,  
27 646-47, 29 P.3d 498, 523 (2001); Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059  
28 (1994), disapproved on other grounds, Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999).

1           Petitioner's claim of flaws in the prosecutor's case against her is waived by her guilty  
2 plea. She alleges she and her co-defendant did not have the credit card used to make their  
3 fraudulent room reservation in their possession since that reservation had only been made  
4 online. Petition at 12. In her view, this shows her actual innocence of the charge so that no  
5 jury would convict her. Petition at 13. Petitioner conveniently ignores her admission that she  
6 had numerous other fraudulent cards in her possession and that she checked into a hotel room  
7 paid for by fraudulent card. Petition at 13. Whether a jury would buy her innocence at trial is  
8 rendered moot by her guilty plea.

9           Petitioner has failed to overcome the procedural bars.

10           **c. Ground 3**

11           Petitioner appears to claim that burglary should not be classified as a Category B felony  
12 because in her case, the crime was non-violent. Petition at 15. She complains the terms of her  
13 house arrest meant she had to find a home in Las Vegas. Petition at 16. Finally, Petitioner  
14 alleges her attorney did not fight hard enough for what is fair. Petition at 16.

15           These claims are bare and naked, suitable for summary dismissal pursuant to Hargrove.

16           **d. Ground 4**

17           In her final ground, Petitioner complains that neither of her attorneys told her that a  
18 person convicted of a Category B felony would not receive good-time credit for participating  
19 in prison programming. Petition at 17. She alleges she would have taken her chances at trial  
20 so she could potentially be convicted of a lower class felony. Petition at 17. She asserts a  
21 suspended sentence of 4-10 years does not fit the crime of burglary. Petition at 17.

22           Petitioner has not attempted to substantiate that her attorneys owed her a duty of  
23 informing her of prison programming rules. Her attorneys were not obligated to inform her of  
24 collateral consequences such as programming eligibility. "A defendant's awareness of a  
25 collateral consequence is not a prerequisite to a valid plea." Palmer v. State, 118 Nev. 823,  
26 826-27, 59 P.3d 1192, 1194 (2002). Collateral consequences are those that are dependent on  
27 the court's discretion or a defendant's future conduct. Nollette v. State, 118 Nev. 341, 344, 46  
28 P.2d 87,89 (2002).

1 Further, Petitioner has not shown that lesser-included offenses would have been  
2 presented to the jury at trial. She has also not demonstrated that she would have taken her  
3 chances at trial knowing she faced prison rather than the probation she received as a result of  
4 her plea agreement. It is only Petitioner's violation of her probation that caused her to serve  
5 her suspended sentence.

6 None of Petitioner's alleged errors worked to her actual and substantial disadvantage,  
7 affecting the state proceedings with error of constitutional dimensions.

8 **ORDER**

9 THEREFORE, IT IS HEREBY ORDERED that the Second Petition for Post-  
10 Conviction Relief shall be, and it is, hereby denied.


11 DATED this \_\_\_\_ day of September, 2021.

Dated this 29th day of September, 2021

12   
13 \_\_\_\_\_  
DISTRICT JUDGE

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

36B A2E 5843 F04F  
Monica Trujillo  
District Court Judge

16 BY  for  
17 JONATHAN VANBOSKERCK  
18 Chief Deputy District Attorney  
19 Nevada Bar #6528

20 **CERTIFICATE OF SERVICE**

21 I certify that on the \_\_\_\_ day of \_\_\_\_, 2021, I mailed a copy of the foregoing  
22 proposed Findings of Fact, Conclusions of Law, and Order to:

23 VALENTINA MONEE MKNIGHT, BAC #1228728  
24 FLORENCE MCCLURE WOMEN'S CORRECTIONAL CENTER  
25 4370 SMILEY ROAD  
26 LAS VEGAS, NV 89115

27 BY \_\_\_\_\_  
28 C. Garcia  
JV/cg/L2 Secretary for the District Attorney's Office



1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

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6 Valentina Knight, Plaintiff(s)

CASE NO: A-20-820448-W

7 vs.

DEPT. NO. Department 3

8 State of Nevada, Defendant(s)

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10 **AUTOMATED CERTIFICATE OF SERVICE**

11 Electronic service was attempted through the Eighth Judicial District Court's  
12 electronic filing system, but there were no registered users on the case. The filer has been  
13 notified to serve all parties by traditional means.



DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*

VALENTINA KNIGHT, PLAINTIFF(S)

VS.

STATE OF NEVADA, DEFENDANT(S)

Case No.: A-21-842055-W

C-15-309123-2

DEPARTMENT 24

NOTICE OF CHANGE OF CASE NUMBER  
AND DEPARTMENT REASSIGNMENT

NOTICE IS HEREBY GIVEN that pursuant to the minute order dated September 15, 2021 the Motion to Amend Judgment of Conviction to Include Jail Time Credits filed into C-15-309123-2 has been given case number A-21-842055-W and assigned to Judge Erika Ballou. PLEASE INCLUDE THE NEW CASE 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 1st day of October, 2021

☒ The foregoing Notice of Change of Case Number and Department Reassignment was electronically served to all registered parties for case number C-15-309123-2.

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

**Valentina Monee Knight #1228728**  
**4370 Smiley Rd**  
**Las Vegas NV 89115**

/s/ Heather Kordenbrock

Heather Kordenbrock, Deputy Clerk of the Court



1 NEO

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

4  
5 VALENTINA KNIGHT,

6 Petitioner,

Case No: C-15-309123-2

Dept No: III

7 vs.

8 THE STATE OF NEVADA,

9 Respondent,

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

10  
11 **PLEASE TAKE NOTICE** that on September 29, 2021, the court entered a decision or order in this  
12 matter, a 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 4, 2021.

16 STEVEN D. GRIERSON, CLERK OF THE COURT

17 /s/ Ingrid Ramos

Ingrid Ramos, Deputy Clerk

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

20 I hereby certify that on this 4 day of October 2021, I served a copy of this Notice of Entry on the  
21 following:

22 ☒ By e-mail:

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

23  
24 ☒ The United States mail addressed as follows:

25 Valentina Knight # 1228728  
4370 Smiley Rd.  
26 Las Vegas, NV 89115

Scott Olifant  
2785 E. Dessert Inn Rd.  
Las Vegas, NV 89121

27 /s/ Ingrid Ramos

28 Ingrid Ramos, Deputy Clerk

1 **FCL**  
2 **STEVEN B. WOLFSON**  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 **JONATHAN VANBOSKERCK**  
6 Chief Deputy District Attorney  
7 Nevada Bar #6528  
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 VALENTINA MONEE KNIGHT,  
13 #7018909  
14 Defendant.

CASE NO: A-20-820448-W

C-15-309123-2

DEPT NO: III

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

16 DATE OF HEARING: AUGUST 23, 2021  
17 TIME OF HEARING: 8:30AM

18 This cause having come on for hearing before the Honorable Monica Trujillo, District  
19 Judge, on August 23, 2021, the Petitioner, pro se, not appearing, the Respondent being  
20 represented by Steven B. Wolfson, District Attorney, through Steve Waters, Chief Deputy  
21 District Attorney, and the Court having considered the matter, including briefs, transcripts,  
22 and documents on file herein, now therefore, the Court makes the following findings of fact  
23 and conclusions of law:

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1 **STATEMENT OF THE FACTS**

2 On May 5, 2015, a detective was contacted by an officer, who had responded to a call  
3 at the Bellagio Hotel and Casino. Details of the call advised that two subjects were currently  
4 being detained by security officers due to a fraudulent room rental.

5 Further investigation revealed that the front desk manager of the Bellagio had been  
6 contacted by Orbitz in reference to a guest who had rented a room at the Bellagio using Orbitz  
7 as a third party booker.

8 The man renting the room, later identified as the co-defendant, Moustapha Dioubate,  
9 had provided a credit card number to Orbitz, who later received notification the card was  
10 fraudulent. Once Orbitz contacted the Bellagio hotel, the hotel pinned out the room the co-  
11 defendant was renting so that access could not be made into the room.

12 The co-defendant and a female, who was later identified as Petitioner, approached the  
13 front desk a short time later. Petitioner retrieved a credit card from her purse and handed it to  
14 the co-defendant, who gave the card to the front desk representative. Both Petitioner and the  
15 co-defendant were detained by security officers after it was determined the credit card was  
16 fraudulent. The two were then escorted to security holding where security searched both  
17 subjects. A security officer located a large amount of credit cards and identifications in a brown  
18 leather bag, which Petitioner was carrying. Security then contacted police.

19 Upon arrival, the Las Vegas Metropolitan Police Officer immediately noticed there  
20 were multiple identifications with different names on the table. The identifications had pictures  
21 with the likeness of the co-defendant and Petitioner and appeared fraudulent. The credit cards  
22 were found to be counterfeit. As an officer began to search the above mentioned bag, Petitioner  
23 immediately stated, "I didn't give you consent to search that."

24 The officer attempted to talk to both the co-defendant and Petitioner, but both requested  
25 the presence of an attorney, therefore no further questions were asked of them.

26 **ANALYSIS**

27 **I. THIS PETITION IS TIME-BARRED**

28 This Petition is time-barred under NRS 34.726(1):

1 Unless there is good cause shown for delay, a petition that challenges the  
2 validity of a judgment or sentence must be filed within 1 year of the entry of  
3 the judgment of conviction or, if an appeal has been taken from the judgment,  
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1 Court has granted no discretion to the district courts regarding whether to apply the statutory  
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3 Here, the Judgment of Conviction was filed on May 1, 2017, and Petitioner did not file  
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23 **IGNORE THE PROCEDURAL DEFAULTS**

24 To establish prejudice sufficient to overcome procedural bars, the defendant must show  
25 "not merely that the errors of [the proceedings] created possibility of prejudice, but that they  
26 worked to his actual and substantial disadvantage, in affecting the state proceedings with error  
27 of constitutional dimensions." Hogan v. Warden, 109 Nev. 952, 960, 860 P.2d 710, 716  
28 (1993) (quoting United States v. Frady, 456 U.S. 152, 170, 102 S. Ct. 1584, 1596 (1982)).

**PLEADING  
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