

1
2
3 Prisoner."

Electronically Filed
Oct 18 2021 01:58 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

4 SEE Exhibit "2" Parole Board Certificate of
5 Actions dated 7/7/2020.

6 It is Verified that the Parole Board NEVER
7 Deemed Johnson An "Escaped Prisoner."

8 Two Fundamental Aspects of Court's Conclusion
9 must be considered. The first being the fact that
10 the Parole Board whom is delegated by Nevada
11 Revised Statute to determine time frame of Abscond
12 NEVER SPECIFIED ANY SPECIFIC time frame, And
13 the fact that in order for NRS 213.15/85 to
14 be applicable in this case Johnson MUST be Deemed
15 or Considered to be An "Escaped Prisoner"/Absconder.

16 This determination was NOT MADE by the
17 Parole Board so the question must be raised
18 "Who MADE this determination?" And Furthermore
19 And Most Importantly "Is Whomever made the
20 determination Authorized or Sanctioned by Nevada
21 Revised Statutes to do so?"

22 Since Johnson WAS A Parolee and Under
23 the Supervision of the Division of Parole and
24 Probation, the determination of his period of
25 Abscond if at all Any lies Solely with the Parole
26 Board.

27 To Allow the Dept of Corrections the Authority

28 Page 6

1 ~~XXXXXXXXXXXX~~
2 ~~XXXXXXXXXXXX~~
3 to Determine Periods or Timeframes of Absconding
4 Violates Due Process AND More Importantly Creates
5 A Liberty Interest.

6 Nowhere in the Nevada Revised Statutes is it
7 Declared that the Dept. of Corrections is Authorized
8 to Determine a Period of Abscond on behalf of
9 the Parole Board, neither is the Dept. of Correction
10 Authorized to Decline and not Adhere to the
11 Parole Board's Order to Restore ALL of a Parolee's
12 Credits.

13 NRS 213.15185(3) is Clear in its Mandates that the
14 Board may RESTORE Any Credits pursuant to
15 Subsection D.

16 While it is Determined And An Established
17 Understanding that NRS 213.15185(4) Mandates that
18 the time a Person is An Escaped Prisoner is not
19 time Served on his term of Imprisonment. It must
20 be logically Concluded that IF the Parole Board
21 Does Not Declare a Parolee AN "Escaped Prisoner"
22 And Does Not ~~specify~~ specify a specific timeframe to
23 be considered "Period of Absconding" then the Parolee's
24 time is to be Regarded as Continual And Continually
25 Calculated.

26 SEE Exhibit "2" There is NO "Stop Date" And
27 NO "RESTART DATE".

1-6 → 5 As Reflected in Johnson's Credit history, Mr Johnson did
6 Not receive Credit during the Period of his Absconding,
7 his Parole Expiration dates correctly reflect the time frame
8 that his sentence will expire. Mr Johnson believes that
9 because the Parole Board did Not forfeit Statutory Credit
10 earned Prior to his Parole Revocation, he is also
11 entitled to Credit earned during his Absconding Period,
12 but he is mistaken.

9-12 13 → "Mr. Johnson's Credit History also reflects that Mr. Johnson
14 did not lose any Statutory Credit except for the timeframe he
15 violated terms and conditions of Parole. Since Mr. Johnson
16 only lost Statutory Credit during his Absconding And his
17 Expiration date properly reflects the Expiration of his
18 sentence, Mr. Johnson's Constitutional right to be protected
19 from Excessive Confinement, Cruel And Unusual Punishment
20 And his Right to Due Process were Not Violated

15 21 ~~no~~ "His Credits were Properly Forfeited"

Petitioner Johnson does not believe anything and is not mistaken in his argument because the Nevada Revised Statutes, and the Opinion and Conclusion of this Court bear witness to one extremely vital factor, that is the fact that there is NO

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
Determined timeframe of Absconding Established
by the Parole Board.

This is the reason why An Established and
Verified timeframe must be determined by the
Parole Board. Exhibit "2" Only states
Petitioner Absconded for more than 60 days. This
if left to Assumption and Speculation could mean
60 days and therefore Petitioner is still entitled
to A Substantial amount of Credit being Restored
and that would still with the Amount of time
Presently Incarcerated Equate to an Expired Sentence

II Parole Board Restored ALL forfeited Credits

See Exhibit "2" "3" "4"

As can be determined by these (3) Exhibits; Each
from the State of Nevada Board of Parole Commissioners
that the Intent of the Board was that ALL of
Johnson's Credit be Restored.

The word All within it's legal context as well as
it's literal and common sense context is the exact
same. The "Entirety", "Total", "ALL-Inclusive" are all
Definitions and Synonyms of the word.

The Parole Board on 3 separate instances has

1
2
3 Clarified their stance and position regarding
4 Johnson's Credits. In the Official Certification
5 of Action Exhibit "2" it is verified ~~that~~ the
6 Board has Restored ALL Credits. In Exhibit "3"
7 Parole Commissioner Mary K. Baker (whom was present
8 at Petitioner Johnson's Revocation Hearing) states "Pursuant
9 to WRS 213.1519 the Parole Board has the discretion
10 to forfeit All good time Credits (Stat) however, the
11 Board ordered that All Credits be Restored. IN
12 Exhibit "4" Executive Secretary Darla Foley states
13 the Parole Board Returned ALL forfeited Credits to
14 you Pursuant to WRS 213.1519. Executive Secretary
15 Foley even sent a Secondary copy of the 7/7/2020
16 Order to Offender Management Division in case there
17 were any discrepancies, confusion, or misunderstandings.
18 SEE Exhibit "5" Nevada Dept. of Corrections
19 Print Out Report.

20 This document is the Parole Revocation Hearing Results
21 As Interpreted by Dept. of Corrections. These Notations
22 were entered 7/10/2020 3 days after Petitioner's hearing.
23 It states "Parole is REVOKED TO EXPIRATION. All Good
24 Stat time earned prior to date of Revocation is
25 forfeited. PER NDOC the Number of Credits
26 forfeited is ALL. Board has Restored ALL
27 CREDITS. END RESULT NO Time will be

~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
taken.

This is the interpreted Chronology of Events.
It is seen And verifies that ALL OF Petitioner
Johnson's Credits were forfeited by Dept of Corrections,
The Parole Board Restored ALL Johnson's Credits
And it was Recognized that the END Result was
that NO TIME Would BE Taken.

The Parole Board was exact in their determination And
Order. They did not specify a timeframe or say except
for this particular time, or minus these credits they
said All And NDOC Acknowledged ~~met~~ in their Notes
this fact And verified "No Time will be taken."

There is no logical explanation as to why this situation is
being Allowed to go on for so long. The Parole ^{Board} Made
A decision within their Authority, gave An Order
within their Authority, specified their intent within
their Order, And the NDOC has received, Acknowledged,
And Refused to Conform with the dictates of
the Order given.

This in itself is A Dept of Corrections overstepping
of boundaries, disregarding Nevada Revised Statutes,
And Violating of the United States Constitution 18th Amendment
Right of Petitioner.

~~State of Illinois~~

Conclusion

Petitioner has unarguably Proved that something is definitely wrong with what has transpired with his situation. The Arguments that have been Presented would have been Addressed if Petitioner was granted an Evidentiary Hearing opposed to basing decisions solely on the Pleadings of the Respondent. It should further be noted that in All of the Past Pleadings, Oppositions, and Conclusions it has NEVER once been mentioned that Parole Board Restored All of Petitioner's Previously forfeited Stat Credits, neither has it been mentioned that the Parole Board NEVER Declared Johnson An Escaped Prisoner or determined a timeframe of Abscond.

SEE Exhibit "6" This Exhibit highlights Petitioner's Original Expiration Dates of 11/30/2019 and 12/01/2019

SEE Exhibit "7" This Exhibit highlights Petitioner's Expiration After Forfeiture of Stat Credits. Expiration Date is 2/2/2022.

SEE Exhibit "8" This Exhibit highlights Petitioner's

Statement of Facts

Expiration AS OF 4/21/20. This Parole Violation Report validates Petitioner's Expiration Due to the Forfeiture of Credits.

Whereas the Respondents in Decision And Order have stated that Johnson is mistaken that is debatable. However the mistake that is Undebatable is now is it possible that on April 21 2020 Johnson's Expiration Date Reflected 2/2/2022, he Attends A Revocation Hearing and All of his previously forfeited Stat Credits are Returned, and his Current Expiration is farther away then when All of his Credits were Forfeited?

It is Also A Monumental Error that Parole Board NEVER Determined A Specific timeframe of Abscond And the Nevada Dept. of Corrections And Attorney Generals have been Allowed to Speculate And Assume the Intention of the Parole Board. Not just Assume the Intention they have Admittedly Opposed And Refused to Return Petitioner's Credits AS Ordered by the Parole Board within their Authority.

The Parole Board At Johnson's Revocation Hearing knew that the Forfeiture of Credits Caused Johnson's Expiration to be moved from 12/01/2019 to 2/2/2022. With that Knowledge they understood that a Full Restoration would Revert Petitioner's Expiration back to it's original position, which would constitute

Expired Sentence. Henceforth this is the Reasoning why the Parole Board Never Entered A Timeframe of Absconding.

The Parole Board being Aware of the Myriad of Due Process Violations As well As Errors within the Division of Parole and Probation, And lack of Communication between Dept. of Corrections And the Division, declared that Justice would best be served by Allowing the Sentence to be Over.

It is the WDCR and Attorney General who are mistaken, and more so Violating Nevada Revised Statutes not Johnson.

Petitioner Prays of this Court to Intervene And Cease this Continued violation of Petitioner's Constitutional Right. Petitioner Prays for Relief in the Form of The Court Vacating or Suspending this Sentence, on Order the Dept. of Corrections to Immediately Restore All of Petitioner's Credits, Recalculate his time And Order his Immediate Release from Prison.

Heather L. Smith
CLERK OF THE COURT

1 DAO

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 COREY JOHNSON,

Case No. A-20-821716-W

6 Petitioner,

Dept. No. XV

7 vs.

8 STATE OF NEVADA,

9 Respondents.

10
11 DECISION AND ORDER

12 THIS CAUSE came before the Honorable Joe Hardy on November 20, 2020, for review of Corey
13 Johnson's Petition for Writ of Habeas Corpus (Post-Conviction) ("Petition") filed on September 23,
14 2020. Respondents filed a response on November 12, 2020. At the hearing, the Court did not entertain
15 argument. Pursuant to NRS 34.770(2), the Court makes its decision based solely upon the pleadings
16 without the need of an evidentiary hearing.

17 THE COURT FINDS that Petitioner Corey Johnson ("Mr. Johnson") is currently incarcerated at
18 High Desert State Prison and is serving time for criminal acts he committed on or about May 19, 2009
19 (Case No. 10C263976); on or about September 25, 2009 (Case No. 09C260737); and on or between
20 February 1, 2010 and February 24, 2010 (Case No. 10C264344). The Eighth Judicial District Court
21 adjudicated Mr. Johnson guilty of Burglary (Case No. 10C263976), Attempt Theft (Case No.
22 09C260737), and Possession or Sale of Document or Personal Identifying Information (Case No.
23 10C264344), all category B felonies.

24 THE COURT FURTHER FINDS that Mr. Johnson was sentenced to three concurrent terms of
25 twenty years in prison with a minimum parole eligibility of five years.

26 THE COURT FURTHER FINDS that on March 31, 2017, Mr. Johnson was paroled on all three
27 cases with a parole expiration date of November 30, 2019 (Case Nos. 10C263976 and 10C264344) and
28 December 1, 2019 (Case No. 09C260737). After being paroled, Mr. Johnson violated the terms and

Exhibit 9/3

1 conditions of his parole by absconding and was arrested on April 14, 2019. During Mr. Johnson's parole
2 revocation hearing, on June 25, 2019, he was reinstated back on parole pending supervised release on
3 October 1, 2019. On August 22, 2019, Mr. Johnson absconded for the second time and was arrested.
4 During Mr. Johnson's second parole revocation hearing, the parole board revoked his parole to expiration
5 with no loss of statutory credit earned prior to the date of his revocation. Mr. Johnson's current expiration
6 dates are October 7, 2022 (*Case No. 10C264344*), October 9, 2022 (*Case No. 09C260737*), and October
7 24, 2022 (*Case No. 10C263976*). Mr. Johnson has now petitioned for writ of habeas corpus challenging
8 his parole revocation.

9 WHEREFORE THE COURT CONCLUDES that an inmate may challenge the revocation of
10 parole in a petition for writ of habeas corpus under NRS 34.360. *See also Anaya v. State*, 96 Nev. 119
11 (1980), and *Hornback v. Warden*, 97 Nev. 98, 100 (1981). As a parole revocation proceeding involves
12 the loss of liberty, it requires certain procedural due process protections for the parolee. *Anaya* at 122.
13 Still, as a parole revocation hearing differs from a criminal prosecution, the full panoply of constitutional
14 protections afforded a criminal defendant does not apply. *See Gagnon v. Scarpelli*, 411 U.S. 778 (1973);
15 *Morrissey v. Brewer*, 408 U.S. 471, (1972). The United States Supreme Court, in *Gagnon* and *Morrissey*,
16 outlined the minimal procedures necessary to revoke parole. Those procedures include a preliminary
17 inquiry to determine whether there is probable cause to believe the parolee violated the conditions of his
18 parole, notice of the alleged parole violations, a chance to appear and speak on his own behalf and to
19 bring in relevant information, an opportunity to question persons giving adverse information, and written
20 findings by the hearing officer, who must be "someone not directly involved in the case." *Morrissey* at
21 485-87. If probable cause is found, the parolee is then entitled to a formal revocation hearing at which
22 the same rights attach. *Gagnon* at 786. The function of the final revocation hearing is two-fold, as the
23 parole board must determine whether the alleged violations occurred, and if "the facts as determined
24 warrant revocation." *Morrissey* at 480; *see also Anaya* at 122.

25 WHEREFORE THE COURT FURTHER CONCLUDES that on August 22, 2019, Mr. Johnson
26 absconded from parole supervision and was arrested. Mr. Johnson alleges that his escape was not a parole
27 violation because he never "officially started parole" when he absconded from the Nevada Department
28 of Corrections ("NDOC"). Specifically, Mr. Johnson believes that because he did not sign the parole

1 agreement, prior to his escape, he was technically a prisoner and not a parolee. However, Mr. Johnson
2 was reinstated to parole on June 25, 2019, before he absconded on August 22, 2019. Mr. Johnson was
3 physically housed at NDOC, but he was only there to be supervised while his release was pending. Mr.
4 Johnson argues that he did not violate the conditions of his parole because his charges from his criminal
5 case, stemming from his absconding on August 22, 2019, were dismissed. However, Mr. Johnson's
6 criminal case is not the same as his parole violation hearing because one involves the filing of a criminal
7 complaint for prosecution purposes and the other involves the administrative disciplinary process that
8 determines the reinstatement or revocation of parole. Mr. Johnson was criminally charged by the State of
9 Nevada and received a Notice of Charges from the Division of Parole and Probation for absconding.
10 Even though Mr. Johnson's criminal charges were dismissed, he was still held liable for violating the
11 conditions of parole. [Because Mr. Johnson was still under the supervision of the Division of Parole and
12 Probation, after he was reinstated and before he absconded, his right to due process was not violated.]

13 WHEREFORE THE COURT FURTHER CONCLUDES that the purpose of a preliminary
14 inquiry is to determine whether there is probable cause to believe a parolee violated the terms of his
15 parole. NRS 213.15105. The United States Supreme Court has held that a parolee is entitled to certain
16 notices, so that he may appear and speak on his own behalf during the inquiry and may also bring in
17 relevant evidence if appropriate. Those mandates are codified at NRS 213.1511 thru 213.1515. In this
18 case, the record shows that procedural due process protections were in place before and during the
19 preliminary inquiry. On May 10, 2020, the hearing officer read the Notice of Charges aloud to Mr.
20 Johnson. Mr. Johnson was charged with Escape and he entered a plea of not guilty. During the
21 preliminary inquiry, Mr. Johnson affirmed that he had received copies of his violation report and
22 indicated that he fully understood the charges and his rights during the violation process. Mr. Johnson
23 stated he wanted to get all the information from his attorney to prove he did not escape so that he could
24 fight his write up effectively. Mr. Johnson also stated that he wanted to call a witness, but his witness
25 was not found. In addition, Mr. Johnson admitted that he was issued a notice of charges at the institutional
26 level for escape. Since Mr. Johnson received notice of the violation, appeared at the preliminary inquiry,
27 received copies of his violation report, indicated that he fully understood his charges and rights, spoke
28 on his own behalf, and was provided the opportunity to bring in relevant evidence and present his defense,

1 his right to procedural due process was not violated. Mr. Johnson claims that his right to procedural due
2 process was also violated because his preliminary inquiry was not held immediately after his arrest.
3 Pursuant to NRS 213.1511 (3), except in cases where the parolee is a fugitive, the inquiry must be held
4 at or reasonably near the place of the alleged violation or the arrest and within 15 working days after the
5 arrest. Mr. Johnson was booked on the warrant that was issued when he absconded and for charges related
6 to his criminal case. After being booked, Mr. Johnson had his preliminary inquiry. Mr. Johnson complains
7 that his preliminary inquiry was held in Las Vegas while he appeared telephonically while in custody in
8 Indian Springs, but this complaint is beyond the scope of a habeas petition and is not cognizable. The
9 parole board is not involved in transporting parolees to and from the district court and the prison. Further,
10 Mr. Johnson has failed to show how he was prejudiced by this transportation issue. Thus, the location in
11 which Mr. Johnson's preliminary inquiry was held did not violate his right to procedural due process.

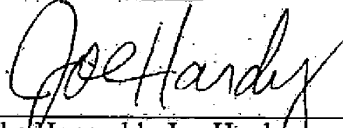
12 WHEREFORE THE COURT FURTHER CONCLUDES that on July 7, 2020, the Division of
13 Parole and Probation held Mr. Johnson's parole violation hearing. During the hearing, Mr. Johnson
14 acknowledged that he signed the hearing and advisement of rights document and he entered a plea of not
15 guilty. During the hearing, the State and Mr. Johnson's counsel presented evidence and made arguments.
16 Mr. Johnson also admitted to absconding while under supervision. After the parole board deliberated,
17 Mr. Johnson was found guilty of absconding and the board determined that Mr. Johnson qualified for
18 revocation. Mr. Johnson's parole was revoked to expiration and the credits he earned prior to his parole
19 revocation were restored. Since the parole board heard arguments and reviewed evidence prior to
20 deliberation, Mr. Johnson's parole revocation was not illegal and his right to procedural due process was
21 not violated.

22 WHEREFORE THE COURT FURTHER CONCLUDES that the calculation of statutory credit
23 for parolees is governed by NRS 213.15185. Pursuant to NRS 213.15185, if a parolee absconded, the
24 parole board will then determine the dates that the parolee was an absconder and the parolee will not
25 receive credit for the timeframe he absconded. In this case, the parole board determined that on two
26 separate occasions that Mr. Johnson had absconded from supervision while paroled. Specifically, Mr.
27 Johnson absconded in July 2017 and was arrested in April 2019 and absconded again in August 2019 and
28 was arrested in April 2020. Because Mr. Johnson absconded during those timeframes, he is not entitled

1 to credit for that timeframe regardless if the parole board reinstated him or revoked his parole. As
2 reflected in Johnson's credit history, Mr. Johnson did not receive credit during the period he absconded.
3 Because Mr. Johnson did not receive credit during the period of his absconding, his parole expiration
4 dates correctly reflect the timeframe that his sentence will expire. Mr. Johnson believes that because the
5 parole board did not forfeit the statutory credit, he earned prior to his parole revocation, he is also entitled
6 to credit earned during his absconding period, but he is mistaken. The statutory credit that Mr. Johnson
7 earned prior to his parole revocation reflects credit he earned while he was adhering to the terms and
8 conditions of his parole. Once Mr. Johnson absconded, he was no longer in compliance and therefore
9 could not earn credit. Mr. Johnson's credit history also reflects that Mr. Johnson did not lose any statutory
10 credit except for the timeframe he violated the terms and conditions of parole. Since Mr. Johnson only
11 lost statutory credit during his absconding and his expiration date properly reflects the expiration of his
12 sentence, Mr. Johnson's constitutional right to be protected from excessive confinement, cruel and
13 unusual punishment, and his right to due process were not violated. Due to Mr. Johnson violating the
14 terms and conditions of his parole, his preliminary inquiry and parole revocation hearing did not violate
15 his right to due process, his credits were properly forfeited, and he is not entitled to his original parole
16 expiration dates.

17 THEREFORE, IT IS HEREBY ORDERED that Mr. Johnson's Petition for Writ of Habeas
18 Corpus is DENIED WITHOUT PREJUDICE.

19 IT IS SO ORDERED this _____ day of _____ Dated this 25th day of November, 2020

20
21 
22 The Honorable Joe Hardy
District Court Judge
73A 955 E844 A689
Joe Hardy
District Court Judge

23 Submitted by:

24 AARON D. FORD
25 Attorney General

26 /s/ Katrina A. Samuels
27 Katrina A. Samuels (Bar No. 13394)
28 Deputy Attorney General

STATE OF NEVADA
 BOARD OF PAROLE COMMISSIONERS
 CERTIFICATION OF ACTION
 PAROLE VIOLATION HEARINGS

JOHNSON, COREY B	95007	2010-054264	HDSP-U4-A-25-A	07/07/2020
INMATE NAME	NDOC NUMBER	BOOKING#	LOCATION	DATE
Affected Sentences (Controlling sentence denoted by *)				
Case #	Count	Offense Description		
263976	1	HABITUAL CRIMINAL (LESSER)		
260737	1	HABITUAL CRIMINAL (LESSER)		
264344	1	HABITUAL CRIMINAL (LESSER)		

Warrant # 44827 Warrant Date 06/01/2020 Arrest Date: 04/16/2020
 Was the PI Hearing conducted or waived? Conducted Was the notice of rights executed? Yes
 Counsel Type: Retained Public Defender Represented By: COX
 Escaped Prisoner? No Stop Date: Restart Date:

Charges	Parolee Plea	Board Finding	Other Action
Directives	Guilty / Not Guilty	Guilty / Not Guilty	
Laws	Guilty / Not Guilty	Guilty / Not Guilty	NO ACTION
Conduct	Guilty / Not Guilty	Guilty / Not Guilty	

ACTION (indicate one):

Continue on Parole:	WARRANT IS QUASHED. NDOC shall release the parolee from custody within 24 hours of this action. Parole is continued with the same conditions unless specified as follows:
Parole Credit Forfeiture:	The Board orders the forfeiture of _____ credits earned while on parole for having been found guilty of a violation of parole.
Parole is Temporarily Revoked.	WARRANT IS SUSTAINED. Parolee is temporarily returned to prison for reasons set forth in the retake warrant of which this order is part. Parolee shall be reinstated on parole and released from NDOC custody on _____ This is this parolee's <input type="checkbox"/> 1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/> 4th or more temporary revocation on this case. The Board has ordered the forfeiture of _____ good time credits (stat credits) earned on parole.
Parole is revoked with reinstatement of parole on:	WARRANT IS SUSTAINED. Parolee is returned to prison for reasons set forth in the retake warrant of which this order is part. Pursuant to NRS 213.1519, all good time credits (stat credits) earned prior to the date of revocation are hereby forfeited. The Board has restored _____ credits. The Board has further ordered the reinstatement of parole without an additional hearing.
✓ Parole is revoked to: <u>EXP</u>	WARRANT IS SUSTAINED. Parolee is returned to prison for reasons set forth in the retake warrant of which this order is part. Pursuant to NRS 213.1519, all good time credits (stat credits) earned prior to the date of revocation are hereby forfeited. The Board has restored <u>ALL</u> credits.
No Action Taken	

Evidence Relied Upon:

Guilty Plea (where applicable)

- ☒ Report of P&P: Violation Report dated 04-21-2020
- ☒ Police Report: LVMPD Temporary Custody Record dated 04-16-2020
- ☒ Police Report: LVMPD Declaration of Arrest Report dated 04-16-2020
- ☒ Police Report: NDOC Escape Arrested dated 08-23-2019
- ☒ Other: Email from Mark Rutledge dated 04-17-2020
- ☒ Other: Justice Court Arrest Warrant dated 04-16-2020
- ☒ Other: Register of Actions dated 06/03/2020

Name of P&P Division Representative: Officer Stankus

Names of Parole Board Panel Members Present: Christiansen, Derleco, VIA Telephone Baker

Reason for Revocation (where applicable): The Board heard substantial evidence which was presented to prove that you violated the above conditions of your parole by:
OFFENDER ABANDONED SUPERVISION FOR MORE THAN 60 DAYS AND WALKED AWAY FROM DUTYWAY HOUSE

The votes of the members who ratified the final action are on file with the Executive Secretary of the Board.

[Signature]
 FOR THE NEVADA BOARD OF PAROLE COMMISSIONER

Exhibit "2"

CENTRAL OFFICE

1677 Old Hot Springs Rd., Ste. A
Carson City, Nevada 89706
<http://parole.nv.gov>
(775) 687-5049
Fax (775) 687-6736

CHRISTOPHER P. DERICCO, *Chairman*
SUSAN JACKSON, *Member*
TONY CORDA, *Member*
MARY K. BAKER, *Member*

DARLA FOLEY, *Executive Secretary*

STATE OF NEVADA
STEVE SISOLAK
Governor



LAS VEGAS OFFICE

4000 S. Eastern Ave., Ste. 130
Las Vegas, Nevada 89119
<http://parole.nv.gov>
(702) 486-4370
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CHRISTOPHER P. DERICCO, *Chairman*
ERIC CHRISTIANSEN, *Member*
DONNA VERCHIO, *Member*
LAMICIA BAILEY, *Member*

NEVADA BOARD OF PAROLE COMMISSIONERS

December 2, 2020

Mr. Corey Johnson
NDOC #95007
High Desert State Prison
P O Box 650
Indian Springs, NV 89070

RE: Letter Requesting Official Review and Reconsideration

Dear Mr. Johnson,

This is in response to your letter dated November 17, 2020 and received by the Nevada Board of Parole Commissioners on November 30, 2020. Your file has been reviewed and this letter will address those issues pertaining only to the Parole Board.

On March 31, 2017 you were released on parole. On April 12, 2017 you signed a Parole Agreement outlining the conditions imposed by the Parole Board. On June 25, 2019, you appeared before a panel of parole commissioners pursuant to a parole violation, and you were reinstated to parole effective October 1, 2019. You would have been required to sign a new Parole Agreement prior to your release from NDOC; however, you chose not to return to Casa Grande Transitional Housing on August 22, 2019, so a new Parole Agreement could not be executed. Therefore, the Parole Agreement dated April 12, 2017 was in full effect. On page 4 of your letter you state, "I was a 'parolee' from the time of reinstatement on June 25, 2019."

You were ultimately arrested on April 16, 2020. A Parole Violation Hearing was held on June 23, 2020, but no action was taken pending new criminal charges. On July 7, 2020, a Parole Violation hearing was held and you were revoked for absconding parole and failing to comply with Directives and Conduct. Pursuant to 213.1519, the Parole Board had the discretion to forfeit all good time credits (star credits) however, the Board ordered that all credits be restored. Your parole revocation will not be reconsidered.

Any issues pertaining to NRS 213.1511, 1513, and 1515 need to be addressed to the Nevada Division of Parole and Probation which is a separate entity.

Mary Kathryn Baker
Parole Commissioner

Exhibit 3

CENTRAL OFFICE

1677 Old Hot Springs Rd., Ste. A
Carson City, Nevada 89706
<http://parole.nv.gov>
(775) 687-5049
Fax (775) 687-6736

CHRISTOPHER P. DERICCO, *Chairman*
SUSAN JACKSON, *Member*
TONY CORDA, *Member*
MARY K. BAKER, *Member*

DARLA FOLEY, *Executive Secretary*

STATE OF NEVADA

STEVE SISOLAK
Governor



LAS VEGAS OFFICE

4000 S. Eastern Ave., Ste. 130
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Fax: (702) 486-4376

CHRISTOPHER P. DERICCO, *Chairman*
ERIC CHRISTIANSEN, *Member*
DONNA VERCHIO, *Member*
LAMICIA BAILEY, *Member*

NEVADA BOARD OF PAROLE COMMISSIONERS

January 4, 2021

Corey Johnson, NDOC #95007
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070-0650

Re: Your letter received December 23, 2020.

Mr. Johnson,

Stat credit information comes directly from, and is calculated by, the Nevada Department of Corrections – Offender Management Division (OMD). As you stated in your letter and as indicated on your 07/07/2020 Certification of Action, the Parole Board returned all forfeited credits to you pursuant to NRS 213.1519.

I have sent a second copy of your 7/07/2020 order to OMD. Any further inquiries should be directed to your caseworker or with NDOC/OMD (timekeeper).

Signed,

A handwritten signature in cursive script that reads "Darla Foley".

Darla Foley
Executive Secretary

Exhibit 4



State of Nevada
Department of Corrections
CASE NOTE PRINTOUT REPORT
FROM: BEGINNING TO: 10/08/2020

ID#: 95007 Name: JOHNSON, COREY Location: HBSP-U4-A-25-A

Date / Time: 06/24/2020 - 09:28 Type / Subtype: SENT_MNG / SENT_MANG Staff Member: ROYER, DEBI

Parole Revocation hearing results 6/23/2020.
NO ACTION TAKEN. Hearing re-scheduled for 7/7/2020, pending new charges.

Date / Time: 07/10/2020 - 09:02 Type / Subtype: SENT_MNG / SENT_MANG Staff Member: ROYER, DEBI

Parole Revocation hearing results 7/7/2020.
Parole revoked to expiration. All good stat time earned prior to the date of revocation is forfeited. Per NDOC, the number of credits forfeited is ALL.
Board has restored ALL credits. End result no time will be taken.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Report Name: NVRGNP
Reference Name: NOTIS-RPT-OR-0097.3
Run Date: OCT-08-20 04:31 PM

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EXHIBIT 5



State of Nevada
Department of Corrections
CASE NOTE PRINTOUT REPORT
FROM: BEGINNING TO: 10/08/2020

ID# 95007 Name: JOHNSON, COREY Location: HDSPA4-A-25-A

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Date / Time: 03/21/2017 09:47 Type / Subtype: SENT_MNG / SNT_REL_PAR Staff Member: ROBERTS, TONI

Approved parole on 03/31/2017
No active holds or detainers noted.
PEXD 11/30/2019 C263976
PEXD 11/30/2019 C264344
PEXD 12/01/2019 C260737
Per Ingersoll with P&P
Clark County

< Originals And Correct
Examination Dates

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Date / Time: 03/30/2017 10:59 Type / Subtype: GENERAL / REL Staff Member: LAMBEY, GILLIAN

I/M JOHNSON HAS A LOCKED PAROLE RELEASE DATE OF 03/31/2017 PER NOTIS CASE NOTE DATED 03/21/2017 BY OMD T. ROBERTS, SENT MGMT. PAROLE WAS GRANTED BY THE PAROLE BOARD ON 02/16/2017. A INGERSOLL OF P&P HAS AUTHORIZED A PAROLE RELEASE OF

Report Name: NVRCNP
Reference Name: NOTIS-RPT-OR-00973
Run Date: OCT 08-20 04:31 PM

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State of Nevada
Department of Corrections
CASE NOTE PRINTOUT REPORT
FROM: BEGINNING TO: 10/08/2020

ID#: 95007 Name: JOHNSON, COREY Location: HDSP-04-A-25-A
03/31/2017 TO LAS VEGAS, NO ACTIVE WANTS, WARRANTS, HOLD OR DETAINERS WERE REPORTED. ALL RELEASE PAPERWORK WAS COMPLETED BY GCS CANTRELL AND INMATE @ TCC. BLOOD DRAW REQUESTED. FILE REVIEWED. ALERTS CHECKED. A COPY OF ALL DOCUMENTS ALONG WITH RELEASE ACCESS CARD, #457928, BIRTH CERT & SS CARD WERE PLACED IN RELEASE PACKET. THIS I/M IS CLEARED FOR PAROLE RELEASE EFFECTIVE 03/31/2017. I/M WILL BE TX'D TO P&P @ 215 E. BONANZA. BODY RECEIPT ATTACHED TO RELEASE PACKET.

Date/Time: 05/24/2019 15:24 Type/Subtype: SENT_MNG/SENT_MANG Staff Member: CLARK, DENAE

Parole Violator:

Warrant Date: 7/10/2017

Arrest Date: 4/14/2019

PEXD: 2/2/2022... [DENAE CLARK updated the case note on 05/24/2019 15:26:29] PEXD:

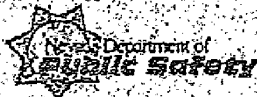
C263976: 2/2/2022

C260737: 9/11/2021

C264344: 9/9/2011

[REDACTED]

Exhibit 7



Division of Parole and Probation

VIOLATION REPORT
Date Report Prepared: 04/21/2020

TO THE HONORABLE
BOARD OF PAROLE COMMISSIONERS
CARSON CITY, NEVADA

NAME: JOHNSON, CORY
FILE #: L17-2414
CC #: C263976
NDOC#: 95007

SUPERVISION GRANT: 03/31/2017
EXPIRATION: 02/12/2022

CRIME: CT 1: HABITUAL CRIMINAL (LESSER)
SENTENCE: 5-20 YEARS NDOC/S25AA/S150DNA

I. **VIOLATION: Directive A: Residence; B: Reporting; C: Employment; Laws; and Conduct:** On June 25, 2019, Mr. Cory Johnson was seen by the Parole Board. He was reinstated to parole on October 1, 2019, with added special condition of the board directs intensive supervision pursuant to NRS 213.124 with an initial period of electronic supervision not to exceed 180 days unless extended by the board following a written recommendation by the chief of parole and probation officer, and you must complete a substance abuse evaluation within 14 days of release from NDOC. Participate in treatment as instructed until released by a qualified treatment provider.

Mr. Johnson was aware of the new special conditions, but chose to escape from Casa Grande Transitional Housing on August 22, 2019.

On August 22, 2019 at approximately 1800 hours, Senior Correctional Officer Leavitt was assigned as the night shift supervisor at Casa Grande Transitional Housing. The Correctional Office was checking the inmate sign in and sign out sheets, and noticed that inmate Johnson, Corey #95007 had not signed back in from an all day job search. Inmate Johnson was due back to Casa Grande at 4 p.m. An announcement was made over the public announcement system for inmate Johnson to report to unit 1 control with negative results. An emergency count was initiated and cleared at 1913 with inmate Johnson missing from CGTH grounds. Inmate Johnson's property was inventoried and secured. An Escape warrant was issued by the Nevada Department of Corrections.

On April 16, 2020, the subject was arrested by LYMPD and booked into Clark County Detention Center on NDOC warrant Escape (I).

II. **RESPONSE TO SUPERVISION:** This is the second time Mr. Johnson has absconded community supervision since being grant parole on March 31, 2019, it appears that a pattern of absconding is developing. At the time of his escape the Division was in the process of investigating his release plan.

III. **WHEREABOUTS AND AVAILABILITY:** Mr. Johnson is currently detained at the Clark County Detention Center.

IV. **RECOMMENDATION:** It is recommended that a Retake Warrant issued and the subject's parole be revoked.

Respectfully submitted:

Denise Gazell, P&P Specialist II
HEADQUARTERS, CARSON CITY, NV

Approved

Marc Chambers, Sergeant
HEADQUARTERS, CARSON CITY, NV

Exhibit 8

DISTRICT COURT
CLARK COUNTY, NEVADA



Corey Johnson, Plaintiff(s)

Case No.: A-20-821716-W

vs.

Nevada State of, Defendant(s)

Department 24

NOTICE OF HEARING

Please be advised that the Emergency Motion for Expeditious Judicial "Petition of Review Merits of Decision and Order, " Motion to Reconsider Denial of Habeas Corpus," " Motion to Correct Errors, " Motion to Vacate Sentence," " Motion to Order Transport to Hearing for Oral Argument in the above-entitled matter is set for hearing as follows:

Date: June 15, 2021

Time: 9:00 AM

Location: RJC Courtroom 12C
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

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

CERTIFICATE OF SERVICE

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

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

Heather Shuman
CLERK OF THE COURT

Corey Johnson ID NO. 95007

HIGH DESERT STATE PRISON
22010 COLD CREEK ROAD
P.O. BOX 650
INDIAN SPRINGS, NEVADA 89018

8th Judicial District Court
County of Clark

Corey Johnson
Petitioner

v.

State of Nevada
Respondents

CASE NO.: A-20-821716-W

DEPT. NO.: _____

~~DOCKET~~: Emergency Hearing Requested
ORAL Argument Requested

"Emergency Motion to Correct Prosecutorial Misconduct/Error"
"Petition to Reconsider Grounds Previously Denied Due
to Prosecutorial Errors and Malicious Prosecution"
"Motion to Transport Order to Hearing For Oral Argument"

COMES NOW, Petitioner Corey Johnson, herein above respectfully
moves this Honorable Court for an Emergency Review of Prosecutorial
Error Causing Denial of Grounds Regarding Due Process
Violations in Petition for Writ of Habeas Corpus.

This Motion is made and based upon the accompanying Memorandum of Points and
Authorities, As well as All Documents And Pleadings on File.

DATED: this 03 day of April, 2021

BY: Corey Johnson
Corey Johnson # 95007
Defendant/In Proper Personam

RECEIVED
MAY 05 2021
CLERK OF THE COURT

POINTS AND AUTHORITIES

Statement of Facts

Corey Johnson is currently incarcerated at High Desert State Prison and serving 3 concurrent 5-20 year sentences.

Petitioner was released on Parole on all 3 sentences on 3/31/2017. At the time of Release Johnson's Expiration Dates were 11/30/19 & 12/01/2019.

Johnson was given a Parole Violation and Arrested for Violation on 4/14/2019. All of Johnson's

Statutory Good Time Credits were forfeited pending Revocation Hearing Outcome. Johnson was Reinstated

to Parole on June 25 2019 and given a

Release to Community Date of 10/01/2019.

While waiting for Release to Community

Johnson was issued another Parole Violation

and was Revoked to Expiration with a full

Restoration of previously forfeited credits.

1 On September 23 2020 Petitioner Johnson
2 Filed A Petition For Writ Of Habeas Corpus
3 Challenging The Procedural Due Process
4 Errors In His Parole Revocation Hearing.

5 On November 12, 2020 Respondents
6 Filed A Response Opposing Petitioner's
7 Writ.

8 November 25 2020 Judge Joe Hardy
9 Decided And Ordered A Denial Of Petition In
10 Chambers.

11 Pursuant to NRS 34.720(2) The Court
12 Made Its decision based solely on the Pleadings
13 Without the need of An Evidentiary Hearing.

14 While this decision is fully up to the
15 Discretion of the Court, this decision to
16 deny Petitioner Johnson an Evidentiary Hearing
17 has denied Johnson the opportunity to present
18 to the Court Relevant Facts And Present
19 Evidence of his Due Process Violations. Of
20 equal importance since no Evidentiary Hearing
21 was conducted the Respondents took full
22 Advantage of the situation and presented and
23 introduced falsified documents, presented arguments
24 that were not factual, denied presenting
25 Relevant Information to the Court which would
26 have changed the entire dynamic, as well as
27 took advantage of the time lag involved

1 For Petitioner to be able to Challenge erroneous
2 Statements, Arguments, And Evidence.

3 As Previously Stated And Fact Can Be
4 Verified by Reviewing Case history that
5 Respondent Katrina A Samuels of the Attorney
6 General's Office Replied to Johnson's Petition
7 On November 12 2020. Johnson's Case
8 Was Reviewed in Chambers On November 25
9 2020. Johnson did not receive a Copy of
10 Response until November 16, 2020. The
11 inaccuracies in the Opposition could not
12 be challenged, nor was the Court aware of
13 Any discrepancies.

14 Petitioner Johnson Request of this Court
15 A Review of the Conclusions And A Review
16 of the Evidence presented, And declare that
17 Errors were made. It is well within the
18 scope And Authority of this Court to Review And
19 Reconsider the Denial of Petitioner's Grounds in
20 his Petition for Writ of Habeas Corpus Considering
21 the fact that his Grounds were denied based
22 Upon fraudulent And inaccurate information, documents
23 And Pleadings.

24 I. Petitioner Argued that Procedural Due Process Violations
25 Mandated in NRS 213.511 were committed. Respondents
26 Challenged Claim with fraudulent Documents while
27

**PLEADING
CONTINUES
IN NEXT
VOLUME**