IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Oct 18 2021 02:17 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

COREY B. JOHNSON,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Case No: A-20-821716-W

Docket No: 83568

RECORD ON APPEAL
VOLUME
4

ATTORNEY FOR APPELLANT
COREY JOHNSON #95007,
PROPER PERSON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT
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A-20-821716-W COREY JOHNSON vs. STATE OF NEVADA

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vs.
Nevada State of, Defendant(s)

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Exhibit B

Offender: JOHNSON, COREY - 0000095007 Sentence: 1 Count: 1

Current Earned Expiration Date: 11/04/2024

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
263976	10/14/2010	248	02/08/2010	20y 0m 0d	7305	02/07/2015	10/24/2022	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
03/01/2019	03/31/2019	WORK	0	No Comment	2036
04/01/2019	04/13/2019	FISCAL	0	No Comment	2036
04/01/2019	04/13/2019	FLAT	0	No Comment	2036
04/01/2019	04/13/2019	STAT	0	No Comment	2036
04/01/2019	04/13/2019	WORK	0	No Comment	2036
04/14/2019	04/30/2019	FLAT	17	No Comment	2019
04/14/2019	04/30/2019	STAT	6	No Comment	2013
04/14/2019	04/30/2019	WORK	12	No Comment	2001
05/01/2019	05/31/2019	FLAT	31	No Comment	1970
05/01/2019	05/31/2019	STAT	10	No Comment	1960
05/01/2019	05/31/2019	WORK	20	No Comment	1940
06/01/2019	06/30/2019	FLAT	30	No Comment	1910
06/01/2019	06/30/2019	STAT	10	No Comment	1900
06/01/2019	06/30/2019	WORK	0	OTIS credits for 05/2019	1900
07/01/2019	07/31/2019	FLAT	31	No Comment	1869
07/01/2019	07/31/2019	STAT	10	No Comment	1859
07/01/2019	07/31/2019	WORK	20	No Comment	1839
08/01/2019	08/21/2019	FLAT	21	No Comment	1818
08/01/2019	08/21/2019	STAT	7	No Comment	1811
08/01/2019	08/31/2019	WORK	14	No Comment	1797
08/22/2019	08/31/2019	FISCAL	0	No Comment	1797
08/22/2019	08/31/2019	FLAT	0	No Comment	1797
08/22/2019	08/31/2019	STAT	0	No Comment	1797
09/01/2019	09/30/2019	FISCAL	0	No Comment	1797
09/01/2019	09/30/2019	FLAT	0	No Comment	1797
09/01/2019	09/30/2019	STAT	0	No Comment	1797
09/01/2019	09/30/2019	WORK	0	No Comment	1797
10/01/2019	10/31/2019	FISCAL	0	No Comment	1797
10/01/2019	10/31/2019	FLAT	0	No Comment	1797
10/01/2019	10/31/2019	STAT	0	No Comment	1797
10/01/2019	10/31/2019	WORK	0	No Comment	1797
11/01/2019	11/30/2019	FISCAL	0	No Comment	1797
11/01/2019	11/30/2019	FLAT	0	No Comment	1797
11/01/2019	11/30/2019	STAT	0	No Comment	1797
11/01/2019	11/30/2019	WORK	0	No Comment	1797
12/01/2019	12/31/2019	FISCAL	0	No Comment	1797
12/01/2019	12/31/2019	FLAT	0	No Comment	1797
12/01/2019	12/31/2019	STAT	0	No Comment	1797
12/01/2019	12/31/2019	WORK	0	No Comment	1797
01/01/2020	01/31/2020	FISCAL	0	No Comment	1797
01/01/2020	01/31/2020	FLAT	0	No Comment	1797
01/01/2020	01/31/2020	STAT	0	No Comment	1797
01/01/2020	01/31/2020	WORK	0	No Comment	1797

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

Exhibit B

Exhibit C

Offender: JOHNSON, COREY - 0000095007 Sentence: 1 Count: 1

Current Earned Expiration Date: 11/04/2024

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
283976	10/14/2010	248	02/08/2010	20y 0m 0d	7305	02/07/2015	10/24/2022	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
02/01/2020	02/29/2020	FISCAL	0	No Comment	1797
02/01/2020	02/29/2020	FLAT	0	No Comment	1797
02/01/2020	02/29/2020	STAT	0	No Comment	1797
02/01/2020	02/29/2020	WORK	0	No Comment	1797
03/01/2020	03/31/2020	FISCAL	0	No Comment	1797
03/01/2020	03/31/2020	FLAT	0	No Comment	1797
03/01/2020	03/31/2020	STAT	0	No Comment	1797
03/01/2020	03/31/2020	WORK	0	No Comment	1797
04/01/2020	04/20/2020	FISCAL	0	No Comment	1797
04/01/2020	04/20/2020	FLAT	0	No Comment	1797
04/01/2020	04/20/2020	STAT	0	No Comment	1797
04/01/2020	04/20/2020	WORK	0	No Comment	1797
04/21/2020	04/30/2020	FISCAL	7	No Comment	1790
04/21/2020	04/30/2020	FLAT	10	No Comment	1780
04/21/2020	04/30/2020	STAT	4	No Comment	1776
04/21/2020	04/30/2020	WORK	4	No Comment	1772
05/01/2020	05/31/2020	FISCAL	20	No Comment	1762
05/01/2020	05/31/2020	FLAT	31	No Comment	1721
05/01/2020	05/31/2020	STAT	10	No Comment	1711
05/01/2020	05/31/2020	WORK	10	No Comment	1701
06/01/2020	06/30/2020	FISCAL	0	OTIS credits for 05/2020	1701
06/01/2020	06/30/2020	FLAT	30	No Comment	1671
06/01/2020	06/30/2020	STAT	10	No Comment	1661
06/01/2020	06/30/2020	WORK	0	OTIS credits for 05/2020	1661
07/01/2020	07/06/2020	FISCAL	4	No Comment	1657
07/01/2020	07/06/2020	FLAT	6	No Comment	1651
07/01/2020	07/06/2020	STAT	2	No Comment	1649
07/01/2020	07/31/2020	WORK	0	Reduction for not working	1649
07/07/2020	07/31/2020	FLAT	25	No Comment	1624
07/07/2020	07/31/2020	STAT	17	No Comment	1607
08/01/2020	08/31/2020	FLAT	31	No Comment	1576
08/01/2020	08/31/2020	STAT	20	No Comment	1556
08/01/2020	08/31/2020	WORK	0	Reduction for not working	1556
09/01/2020	09/30/2020	FLAT	30	No Comment	1526
09/01/2020	09/30/2020	STAT	20	No Comment	1506
09/01/2020	09/30/2020	WORK	10	No Comment	1496
10/01/2020	10/31/2020	FLAT	31	No Comment	1465
10/01/2020	10/31/2020	STAT	20	No Comment	1445
10/01/2020	10/31/2020	WORK	10	No Comment	1435
11/01/2020	11/30/2020	FLAT	30	No Comment	1405
11/01/2020	11/30/2020	STAT	20	No Comment	1385
11/01/2020	11/30/2020	WORK	10	No Comment	1375
12/01/2020	12/31/2020	FLAT	31	No Comment	1344

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

OSM Report Name: CreditListBySentRpt Page 11 of 13 Run Date: Thu Oct 08 15:56:22 PDT 2020

Exhibit B

WHITE-Board File
CANARY-Parolee/Inmate
PINK-Parole & Probation
GOLDENROD-NDOC

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

JOHNSON, COREY B	95007	2010-054264	HDSP-U1-B-25-A	06/25/2019
INMATE NAME	NDOC NUMBER	BOOKING#	LOCATION	DATE

Affected Sentences (Controlling sentence denoted by *)
263976;1;HABITUAL CRIMINAL (LESSER)
260737;1;HABITUAL CRIMINAL (LESSER)
264344;1;HABITUAL CRIMINAL (LESSER)

Warrant # 41364 Warrant Date 07/10/2017 Arrest Date 04/14/2019

Was the PI Hearing conducted or waived? Waived Was the notice of rights executed? Yes

Counsel Type: Retained / Public Defender Represented By: Richards

Absconder Yes Ceiling Stop Date: 07/10/2017 Restart Date: 04/29/2019

CHARGES, PLEAS and FINDINGS

Charges	Parolee Plea	Board Finding	Other Action
Reporting	Guilty / Not Guilty	Guilty / Not Guilty	
Directives	Guilty / Not Guilty	Guilty / Not Guilty	
Residence	Guilty / Not Guilty	Guilty / Not Guilty	
Conduct	Guilty / Not Guilty	Guilty / Not Guilty	
Employment/Program	Guilty / Not Guilty	Guilty / Not Guilty	
Financial Obligations	Guilty / Not Guilty	Guilty / Not Guilty	
Controlled Substances	Guilty / Not Guilty	Guilty / Not Guilty	withdrawn by P&P
Out-of-state Travel	Guilty / Not Guilty	Guilty / Not Guilty	
Laws	Guilty / Not Guilty	Guilty / Not Guilty	withdrawn by P&P

ACTION (indicate one):

	Parole is revoked to: _____.	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.
√	Continue on Parole: ___ Immediately X Upon Plan Approval X At Date 10/01/2019 Parole Credit Forfeiture:	WARRANT IS QUASHED. Parolee is continued with the same conditions unless specified as follows: Must sign/w Standard Conditions. Complete Substance Abuse Eval within 14 days of release of NDOC. Intensive Supervision with electronic Supervision not to exceed 180 days. All previous conditions The Board orders the forfeiture of 0 credits earned while on parole for having been found guilty of a violation of parole.
	No Action Taken	

Evidence Relied Upon:

X Guilty Plea (where applicable)
X Report of P&P: Violation Report dated 6/28/2017, Supplemental Violation Report dated 4/15/2019, 5/03/2019
X Police Report: LVMPD Temporary Custody Record 4/29/2019, Declaration of Warrant Summons 9/27/2018
X Police Report: CCDC Arrest Warrant Abstract 4/29/2019
X Police Report: DPS High Profile Event Notification Form 5/03/2019; NDPS Property Report 5/18/2017
X Supervision Fee Report: P&P Statement of Subject Supervision Fee Account 5/15/2019
X Restitution Report: P&P Statement of Subject Restitution Account
X Other: Las Vegas Indian Center 5/05/2017, 18F18448X Register of Actions 5/15/2019, Court Minutes 5/01/2019
X Other: Multnomah County Sheriff's Office Fugitive Transport 4/14/2019, Circuit Court of the State of Oregon Waiver of Extradition 4/16/2019

Name of P&P Division Representative: Officer Stankus

Name of Parole Board Panel Members Present: Keeler, Christiansen, VIA Telephone De La Torre

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:

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

FOR THE NEVADA BOARD OF PAROLE COMMISSIONERS

PV-Blank- ver-4-4-2017

Exhibit "C"

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Attorneys for Respondents

DISTRICT COURT

CLARK COUNTY, NEVADA

COREY JOHNSON, Petitioner, vs. STATE OF NEVADA, Respondents.	Case No. A-20-821716-W Dept. No. XXIV Date of Hearing: July 13, 2021, and July 20, 2021 Time of Hearing: 9:00 a.m.

MOTION TO DISMISS PETITION FOR WRIT OF MANDAMUS, PETITION FOR REHEARING, EMERGENCY PETITION TO REOPEN CASE, AND AMENDED EMERGENCY PETITION TO REOPEN CASE

Respondents oppose Petitioner Corey Johnson's *Petition for Writ of Mandamus; Petition for Rehearing, Petition for Emergency Preliminary Injunction; Emergency Petition to Reopen Case for Introduction of Evidence, Motion to Request Rehearing of Petition;* and *Amended Emergency Petition to Reopen Case to Correct Manifest Error of Law and Newly Discovered Evidence* and move for dismissal as Johnson's petitions are successive and an abuse of writ pursuant to NRS 34.810. Respondents also request for this Court to vacate the hearings currently set on July 13, 2021, and July 20, 2021.

DATED this 13th day of July 2021.

AARON D. FORD
Attorney General

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

MEMORANDUM OF POINTS AND AUTHORITIES

Corey Johnson is currently incarcerated at High Desert State Prison and is serving time for criminal acts he committed on or about May 19, 2009 (Case No. *10C263976*); on or about September 25, 2009 (Case No. *09C260737*); and on or between February 1, 2010, and February 24, 2010 (Case No. *10C264344*). The Eighth Judicial District Court adjudicated Johnson guilty of Burglary (Case No. *10C263976*); Attempt Theft (Case No. *09C260737*); and Possession or Sale of Document or Personal Identifying Information (Case No. *10C264344*), all category B felonies. Johnson was sentenced to three concurrent terms of twenty years in prison with a minimum parole eligibility of five years.

Johnson has since filed a *Petition for Writ of Mandamus* on June 9, 2021; a *Petition for Rehearing, Petition for Emergency Preliminary Injunction* on June 9, 2021; an *Emergency Petition to Reopen Case for Introduction of Evidence, Motion to Request Rehearing of Petition* on June 17, 2021; and an *Amended Emergency Petition to Reopen Case to Correct Manifest Error of Law and Newly Discovered Evidence* on July 6, 2021.

I. Johnson's Petitions Must be Dismissed Pursuant to NRS 34.810.

Pursuant to NRS 34.810(2), a second or successive petition must be dismissed if the judge or justice determines that it fails to allege new or different grounds for relief and that the prior determination was on the merits or, if new and different grounds are 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. However, a petitioner can overcome the dismissal of his second or successive petition by pleading and proving specific facts that demonstrate good cause for failing to present his claim and actual prejudice. NRS 34.810(3).

In all four petitions, Johnson is challenging the outcome of his parole revocation hearing and is requesting the recalculation and restoration of his forfeited prison credits from that same hearing. The same arguments contained in Johnson's four petitions were also previously addressed in his Petition for Writ of Habeas Corpus in Case No. *A-20-821716-W*. On November 25, 2020, in Case No. *A-20-821716-W*, the state district court issued a decision and order finding that Johnson violated the terms and conditions of his parole, his preliminary inquiry and parole revocation hearing did not violate his right to due process, his credits were properly forfeited, and he is not entitled to his original parole expiration

dates. Because Johnson has failed to allege new or different grounds for relief and the court's prior determination of *A-20-821716-W* was on the merits, his four successive petitions must be dismissed.

Even if Johnson claims that he has alleged new or different grounds for relief in his successive petitions, he has still failed to demonstrate good cause and actual prejudice to excuse his failure of not presenting his claims in his original petition. *See Evans v. State,* 28 P.3d 498, 523 (2001) (Court must dismiss a habeas petition if it presents claims that either were or could have been presented in an earlier proceeding unless the court finds both cause for failing to present the claims earlier or for raising them again and actual prejudice to the petitioner). Since Johnson failed to challenge his current claims in *A-20-821716-W* in his original petition, and has not demonstrated good cause and prejudice, he cannot use his current petitions as a vehicle to challenge new and different grounds for relief. Due to Johnson's successive filings, he has committed an abuse of writ and his petitions must be dismissed.

II. Johnson's Petitions Merit Sanctions.

Johnson continues to file frivolous petitions challenging the constitutionality of his preliminary inquiry and parole revocation hearing along with challenging the calculation of his prison credits due to his parole violation. Johnson has also raised these same claims in the state district court in Case Nos. *10C263976, 10C264344, A-21-828907-W, A-21-828910-W, A-21-829138-W, A-21-830033-W, A-20-824136-W, A-20-822586-W, A-20-824942-W, A-21-836421-W, A-21-836422-W,* and A-21-836423-W. In total, Johnson has alleged the same claims in 13 state district court cases, 12 Nevada Supreme Court cases[1], and 1 federal district court case[2].

Although the state district court has continuously denied Johnson's request for relief, as to these same issues, Johnson continuous to file multiple pleadings in the state district court raising the exact same claims. Since Johnson continues to file petitions without making any effort to avail himself of knowledge of the governing law, Respondents therefore request this Court make a finding that Johnson filed multiple petitions that are not supported by existing law or are a reasonable argument for a change in existing law.

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[1] *See 83081, 83119, 83120, 83121, 82584, 82597, 83074, 82317, 82600, 82253, 82837,* and *83073.*

[2] *2:21-cv-00219-GMN-BNW*

NRS 209.451(1) (d) provides that a prisoner may forfeit credit if he or she files a pleading, in a civil action that:

> (1) contains a claim or defense that is included for an improper purpose, including, without limitation, for the purpose of harassing the offender's opponent, causing unnecessary delay in the litigation or increasing the cost of the litigation;
> (2) Contains a claim, defense or other argument which is not warranted by existing law or by a reasonable argument for a change in existing law or a change in the interpretation of existing law; or
> (3) Contains allegations or information presented as fact for which evidentiary support is not available or is not likely to be discovered after further investigation

NRS 209.451(1); *see also Hosier v. State*, 117 P.3d 212, 214 (2005) (finding referral for forfeiture of credits pursuant to NRS 209.451(1)(d) is a proper remedy when petitioners waste scarce judicial resources.).

Here, Johnson is well-aware that his current petitions are not warranted under existing law and contain allegations for which evidentiary support is not available. NRS 209.451(1)(d)(2),(3). Not only has Johnson burdened multiple courts with his frivolous filings, but he is filing multiple pleadings for the sole purpose of harassing Respondents, causing unnecessary delay in the litigation, and increasing the cost of the litigation by wasting judicial resources. NRS 209.451(1)(d)(1). Consequently, Respondents respectfully request that this Court include such findings in its order.

CONCLUSION

Respondents request that this Court vacate the July 13, 2021, and July 20, 2021.hearings, dismiss Johnson's four petitions, and include findings in its order that Johnson's petitions have no legal merit, and his claims are not warranted under existing law or a reasonable argument to change existing law.

Respectfully submitted this 13th day of July 2021.

AARON D. FORD
Attorney General

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

AFFIRMATION
(Pursuant to NRS 239B.030)

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

Dated this 13th day of July 2021.

AARON D. FORD
Attorney General

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

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Motion to Dismiss Petition for Writ of Mandamus, Petition for Rehearing, Emergency Petition to Reopen Case, and Amended Emergency Petition to Reopen Case* with the Clerk of the Court by using the electronic filing system on the 13th day of July 2021.

I certify that some of the participants in the case are not registered electronic filing system users. I have mailed the foregoing document by First-Class Mail; postage prepaid, or have dispatched it to a third-party commercial carrier for delivery within 3 calendar days to the following unregistered participant at his last known address:

Corey Johnson, #95007
c/o High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070-0650

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

Electronically Filed
7/13/2021 9:33 AM
Steven D. Grierson
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
****

Corey Johnson, Plaintiff(s) vs. Nevada State of, Defendant(s)	Case No.: A-20-821716-W Department 24

NOTICE OF HEARING

Please be advised that the Motion to Dismiss Petition for Writ of Mandamus, Petition for Rehearing, Emergency Petition to Reopen Case, and Amended Emergency Petition to Reopen Case in the above-entitled matter is set for hearing as follows:

Date: August 24, 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/ Salevao Asifoa
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/ Salevao Asifoa
Deputy Clerk of the Court

Electronically Filed
7/13/2021 5:19 PM
Steven D. Grierson
CLERK OF THE COURT

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

DISTRICT COURT

CLARK COUNTY, NEVADA

COREY JOHNSON, Petitioner, vs. STATE OF NEVADA, Respondents.	Case No. A-20-821716-W Dept. No. XXIV Date of Hearing: August 3, 2021 Time of Hearing: 9:00 a.m.

MOTION TO DISMISS EMERGENCY MOTION TO CORRECT PROSECUTORIAL MISCONDUCT/ERROR, MOTION FOR MODIFICATION OF SENTENCE, EMERGENCY MOTION FOR EXPEDITIOUS JUDICIAL REVIEW, AND MOTION TO RECONSIDER GROUND OF DUE PROCESS VIOLATION

Respondents oppose Petitioner Corey Johnson's *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; Motion for Modification of Sentence, Petition for Expeditious Judicial Review/Evidence Review, Motion to Challenge Respondents Arguments, Motion to Vacate Sentence, Motion to Reconsider Habeas Corpus Grounds; Emergency Motion for Expeditious Judicial Review*, *Petition to 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*; and *Motion to Reconsider Ground of Due Process Violation*, *Motion to Review Argument and Evidence*, *Motion to Restore Credits that Parole Board Restored Pursuant to NRS 213.1519*, *Motion to Correct Errors in Decision and Order* and

Case Number: A-20-821716-W

move for dismissal as Johnson's pleadings are successive and an abuse of writ pursuant to NRS 34.810. Respondents also request for this Court to vacate the hearing currently set on August 3, 2021.

DATED this 13th day of July 2021.

AARON D. FORD
Attorney General

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

MEMORANDUM OF POINTS AND AUTHORITIES

Corey Johnson is currently incarcerated at High Desert State Prison and is serving time for criminal acts he committed on or about May 19, 2009 (Case No. *10C263976*); on or about September 25, 2009 (Case No. *09C260737*); and on or between February 1, 2010, and February 24, 2010 (Case No. *10C264344*). The Eighth Judicial District Court adjudicated Johnson guilty of Burglary (Case No. *10C263976*); Attempt Theft (Case No. *09C260737*); and Possession or Sale of Document or Personal Identifying Information (Case No. *10C264344*), all category B felonies. Johnson was sentenced to three concurrent terms of twenty years in prison with a minimum parole eligibility of five years.

Johnson has since filed an *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* on May 13, 2021; a *Motion for Modification of Sentence, Petition for Expeditious Judicial Review/Evidence Review, Motion to Challenge Respondents Arguments, Motion to Vacate Sentence, Motion to Reconsider Habeas Corpus Grounds* on May 13, 2021; an *Emergency Motion for Expeditious Judicial Review*, *Petition to 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* on May 13, 2021; and a *Motion to Reconsider Ground of Due Process Violation*, *Motion to Review Argument and Evidence*, *Motion to Restore Credits that Parole Board Restored Pursuant to NRS 213.1519*, *Motion to Correct Errors in Decision and Order* on May 20, 2021.

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I. Johnson's Pleadings Must be Dismissed Pursuant to NRS 34.810.

Pursuant to NRS 34.810(2), a second or successive petition must be dismissed if the judge or justice determines that it fails to allege new or different grounds for relief and that the prior determination was on the merits or, if new and different grounds are 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. However, a petitioner can overcome the dismissal of his second or successive petition by pleading and proving specific facts that demonstrate good cause for failing to present his claim and actual prejudice. NRS 34.810(3).

In all four pleadings, Johnson is challenging the outcome of his parole revocation hearing and is requesting the recalculation and restoration of his forfeited prison credits from that same hearing. The same arguments contained in Johnson's four pleadings were also previously addressed in his Petition for Writ of Habeas Corpus in Case No. *A-20-821716-W*. On November 25, 2020, in Case No. *A-20-821716-W*, the state district court issued a decision and order finding that Johnson violated the terms and conditions of his parole, his preliminary inquiry and parole revocation hearing did not violate his right to due process, his credits were properly forfeited, and he is not entitled to his original parole expiration dates. Because Johnson has failed to allege new or different grounds for relief and the court's prior determination of *A-20-821716-W* was on the merits, his four successive pleadings must be dismissed.

Even if Johnson claims that he has alleged new or different grounds for relief in his successive pleadings, he has still failed to demonstrate good cause and actual prejudice to excuse his failure of not presenting his claims in his original petition. *See Evans v. State,* 28 P.3d 498, 523 (2001) (Court must dismiss a habeas petition if it presents claims that either were or could have been presented in an earlier proceeding unless the court finds both cause for failing to present the claims earlier or for raising them again and actual prejudice to the petitioner). Since Johnson failed to challenge his current claims in *A-20-821716-W* in his original petition, and has not demonstrated good cause and prejudice, he cannot use his current petitions as a vehicle to challenge new and different grounds for relief. Due to Johnson's successive filings, he has committed an abuse of writ and his pleadings must be dismissed.

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II. Johnson's Pleadings Merit Sanctions.

Johnson continues to file frivolous pleadings challenging the constitutionality of his preliminary inquiry and parole revocation hearing along with challenging the calculation of his prison credits due to his parole violation. Johnson has also raised these same claims in the state district court in Case Nos. *10C263976, 10C264344, A-21-828907-W, A-21-828910-W, A-21-829138-W, A-21-830033-W, A-20-824136-W, A-20-822586-W, A-20-824942-W, A-21-836421-W, A-21-836422-W,* and A-21-836423-W. In total, Johnson has alleged the same claims in 13 state district court cases, 12 Nevada Supreme Court cases[1], and 1 federal district court case[2].

Although the state district court, Nevada Supreme Court, and the federal district court have continuously denied Johnson's request for relief, as to these same issues, Johnson continuous to file multiple pleadings in the state district court raising the exact same claims. Since Johnson continues to file petitions without making any effort to avail himself of knowledge of the governing law, Respondents therefore request this Court make a finding that Johnson filed multiple petitions that are not supported by existing law or are a reasonable argument for a change in existing law.

NRS 209.451(1) (d) provides that a prisoner may forfeit credit if he or she files a pleading, in a civil action that:

> (1) contains a claim or defense that is included for an improper purpose, including, without limitation, for the purpose of harassing the offender's opponent, causing unnecessary delay in the litigation or increasing the cost of the litigation;
> (2) Contains a claim, defense or other argument which is not warranted by existing law or by a reasonable argument for a change in existing law or a change in the interpretation of existing law; or
> (3) Contains allegations or information presented as fact for which evidentiary support is not available or is not likely to be discovered after further investigation

NRS 209.451(1); *see also Hosier v. State*, 117 P.3d 212, 214 (2005) (finding referral for forfeiture of credits pursuant to NRS 209.451(1)(d) is a proper remedy when petitioners waste scarce judicial resources.).

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[1] *See 83081, 83119, 83120, 83121, 82584, 82597, 83074, 82317, 82600, 82253, 82837,* and *83073.*

[2] *2:21-cv-00219-GMN-BNW*

Here, Johnson is well-aware that his current pleadings are not warranted under existing law, and contain allegations for which evidentiary support is not available. NRS 209.451(1)(d)(2),(3). Not only has Johnson burdened multiple courts with his frivolous filings, but he is filing multiple pleadings for the sole purpose of harassing Respondents, causing unnecessary delay in the litigation, and increasing the cost of the litigation by wasting judicial resources. NRS 209.451(1)(d)(1). Consequently, Respondents respectfully request that this Court include such findings in its order.

CONCLUSION

Respondents request that this Court vacate the August 3, 2021.hearing, dismiss Johnson's four pleadings, and include findings in its order that Johnson's pleadings have no legal merit and his claims are not warranted under existing law or a reasonable argument to change existing law.

Respectfully submitted this 13th day of July 2021.

AARON D. FORD
Attorney General

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

AFFIRMATION
(Pursuant to NRS 239B.030)

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

Dated this 13th day of July 2021.

AARON D. FORD
Attorney General

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

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Motion to Dismiss Emergency Motion to Correct Prosecutorial Misconduct/Error, Motion for Modification of Sentence, Emergency Motion for Expeditious Judicial Review, and Motion to Reconsider Ground of Due Process Violation* with the Clerk of the Court by using the electronic filing system on the 13th day of July 2021.

I certify that some of the participants in the case are not registered electronic filing system users. I have mailed the foregoing document by First-Class Mail; postage prepaid, or have dispatched it to a third-party commercial carrier for delivery within 3 calendar days to the following unregistered participant at his last known address:

Corey Johnson, #95007
c/o High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070-0650

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

Electronically Filed
7/14/2021 11:34 AM
Steven D. Grierson
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
****

Corey Johnson, Plaintiff(s) vs. Nevada State of, Defendant(s)	Case No.: A-20-821716-W Department 24

NOTICE OF HEARING

Please be advised that the Motion to Dismiss Emergency Motion to Correct Prosecutorial Misconduct/Error, Motion for Modification of Sentence, Emergency Motion for Expeditious Judicial Review, and Motion to Reconsider Ground of Due Process Violation in the above-entitled matter is set for hearing as follows:

Date: August 24, 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/ Salevao Asifoa
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/ Salevao Asifoa
Deputy Clerk of the Court

Electronically Filed
07/16/2021 8:23 PM
CLERK OF THE COURT

NOH

DISTRICT COURT
CLARK COUNTY, NEVADA

Corey Johnson, Plaintiff(s) vs. Nevada State of, Defendant(s)	Case No.: A-20-821716-W Dept. No.: XXIV

NOTICE OF TIME CHANGE

PLEASE TAKE NOTICE that this matter is set to be heard on calendar, on July 20, 2021 at the hour of 10:30 am, in District Court Department XXIV in the Regional Justice Center, 200 Lewis Avenue, 12th Floor, Courtroom 12C, Las Vegas, Nevada before the Honorable Judge Erika Ballou.

Dated this 16th day of July, 2021

EBA 764 4C02 70D8
Erika Ballou
District Court Judge

Erika Ballou
DISTRICT JUDGE
Department XXIV
LAS VEGAS, NV 89155

CERTIFICATE OF SERVICE

I hereby certify that on or about the date e-filed, this document was electronically served to all registered users, copied through e-mail, placed in the attorney's folder in the Regional Justice Center or mailed to the proper person as follows:

Chapri Wright

Chapri Wright
Judicial Executive Assistant
Department 24

Erika Ballou
DISTRICT JUDGE
Department XXIV
LAS VEGAS, NV 89155

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Corey Johnson, Plaintiff(s)	CASE NO: A-20-821716-W
vs.	DEPT. NO. Department 24
Nevada State of, Defendant(s)	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 7/16/2021

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

If indicated below, a copy of the above mentioned filings were also served by mail via United States Postal Service, postage prepaid, to the parties listed below at their last known addresses on 7/19/2021

Corey Johnson
#95007
PO Box 650
Indian Springs, NV, 89070

Electronically Filed
07/21/2021 3:10 PM
CLERK OF THE COURT

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

DISTRICT COURT

CLARK COUNTY, NEVADA

COREY JOHNSON, Petitioner, vs. STATE OF NEVADA, Respondents.	Case No. A-20-821716-W Dept. No. XXIV Date of Hearing: August 25, 2021 Time of Hearing: 8:30 am

ORDER TO TRANSPORT PRISONER

TO: Calvin Johnson, Warden, High Desert State Prison; Nevada Department of Corrections:

THE COURT HEREBY FINDS that the Petitioner is presently in the custody of the Nevada Department of Corrections, located at HIGH DESERT STATE PRISON.

IT IS HEREBY ORDERED that the Warden of HIGH DESERT STATE PRISON, or his designee, shall transport Petitioner, **COREY JOHNSON, #95007,** from HIGH DESERT STATE PRISON, in Las Vegas, Nevada, to the Clark County District Court, Department 24, on Wednesday, August 25, 2021, at 8:30 a.m. for the hearing pertaining to his Petition for Writ of Habeas Corpus and arrange

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for his appearance on said date, *and all subsequent dates,* as relayed by Memorandum from the Office of the Attorney General.

IT IS SO ORDERED this _____ day of _____, 2021.

Dated this 21st day of July, 2021

The Honorable Erika Ballou
District Court Judge

308 32C 5443 9EF3
Erika Ballou
District Court Judge

Submitted by:

AARON D. FORD
Attorney General

/s/ Katrina A. Samuels
Katrina A. Samuels (Bar No. 13394)
Deputy Attorney General
Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101
(702) 486-3770
(702) 486-2377 fax
KSamuels@ag.nv.gov
Attorneys for Respondents

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Corey Johnson, Plaintiff(s)	CASE NO: A-20-821716-W
vs.	DEPT. NO. Department 24
Nevada State of, Defendant(s)	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 7/21/2021

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

Electronically Filed
07/22/2021
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

District Court
Clark County Nevada

Corey Johnson Petitioner,

v.

State of Nevada Respondents

CASE NO.: A-20-821716-W
DEPT. NO.: 24
Hearing Date: 9/7/2021
Oral Arguement Requested

Amended Petition for Writ of Habeas Corpus

COMES NOW, Petitioner Corey Johnson, herein above respectfully moves this Honorable Court for an Amending of Petition for Writ of Habeas Corpus.

This Motion is made and based upon the accompanying Memorandum of Points and Authorities.

DATED: this 5th day of July, 2021

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

RECEIVED
JUL 20 2021
CLERK OF THE COURT

Case No. A-20-821716-W
Dept. No. 24

IN THE 8th JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF Clark

Corey Johnson
Petitioner,

v.

Calvin Johnson
Respondent.

PETITION FOR WRIT
OF HABEAS CORPUS
(POSTCONVICTION)

INSTRUCTIONS:

(1) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.

(2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.

(3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.

(4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the Department of Corrections, name the warden or head of the institution. If you are not in a specific institution of the Department but within its custody, name the Director of the Department of Corrections.

(5) You must include all grounds or claims for relief which you may have regarding your conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction and sentence.

(6) You must allege specific facts supporting the claims in the petition you file seeking relief from any conviction or sentence. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you claim your counsel was ineffective.

(7) When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to the Attorney General's Office, and one copy to the district attorney of the county in which you were convicted or to the original prosecutor if you are challenging your original conviction or sentence. Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty: High Desert State Prison Clark County

2. Name and location of court which entered the judgment of conviction under attack: 8th Judicial Court County Of Clark

3. Date of judgment of conviction:

4. Case number: C263976

5. (a) Length of sentence: 5-20 years

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

6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion? Yes ✓ No .....

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

C 260344 5-20 years

C 260787 5-20 years

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

.....

8. What was your plea? (check one)

(a) Not guilty .....

(b) Guilty .....

(c) Guilty but mentally ill .....

(d) Nolo contendere .....

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

2 Concurrent 5-20 year Sentences

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

(a) Jury .....

(b) Judge without a jury .....

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

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

13. If you did appeal, answer the following:

(a) Name of court: .....

(b) Case number or citation: .....

(c) Result: .....

(d) Date of result: .....

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

14. If you did not appeal, explain briefly why you did not: I never Challenged the Conviction because I Agreed to A Plea bargain that I thought was Correct. I Now am Challenging Due Process Violation & Excessive Confinement.

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

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

(a) (1) Name of court: .....

(2) Nature of proceeding: .....

.....

(3) Grounds raised: .....

.....

.....

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

(5) Result: .....

(6) Date of result: .....

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

.....

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

(1) Name of court: .....

(2) Nature of proceeding: .....

(3) Grounds raised: .....

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

(5) Result: .....

(6) Date of result: .....

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

.....

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

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

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

Citation or date of decision: .....

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

Citation or date of decision: .....

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

Citation or date of decision: .....

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

.....

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

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

.....

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

.....

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

.....

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

.....

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

.....

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

If yes, state what court and the case number: .....

.....

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

.....

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

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

.....

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

(a) Ground ONE: Violation of 8th Amendment Right to Protection from Cruel And Unusual Punishment in Form of Excessive Confinement

Violation of 14th Amendment Right to Due Process

Violation of NRS 213.15185(4)

Supporting FACTS (Tell your story briefly without citing cases or law.): I Attended Parole Revocation Hearing on 6-25-2019 And was Reinstated back on Parole. While Awaiting October 1 2019 Release date I was Issued Another Parole Violation for Returning Late to Casa Grande Transitional Housing. My Revocation Hearing for this Violation was Conducted on July 7 2020 And I was Revoked to Expiration with Full Restoration of Credits.

The Dept of Correction has declined to Restore Credit for the Timeframe of 8/22/2019 to 4/21/2020. Citing that this is a Period of Absconding. The Parole Board Never Deemed Me As An "Escaped Prisoner" Nor did the Parole Board Establish or Specify A Period of Absconding. NRS 213.15185 is the Governing Statute for Parolees Statutory Credit. Per NRS 213.15185(4) the time that A Parolee is Considered An "Escaped Prisoner" is the time that is Not Credit toward term of Imprisonment. The Parole Board NEVER Declared/Deemed ME AS AN "Escaped Prisoner" Neither did the Parole Board Establish A Specific Period of Absconding in Opposition to Respondents Argument. Also the Parole Board Issued My Retake Warrant on 6-1-2020 which Proves the Parole Board Never Established A Period of Abscond. In Accord with Courts Conclusion And Respondents Opposition the Parole Board must determine Parolee's Period of Absconding. Since the Parole Board didn't I am Entitled to My Credits for 8/22/19 to 4/21/2020 OR Reinstatement on Parole.

(b) Ground TWO: Violation of 14th Amendment Due Process Violation.
Violation of NRS 213.1218

Supporting FACTS (Tell your story briefly without citing cases or law.): I was Reinstated to Parole on 6/25/2019 and was given a 10/1/2019 Release to Community Date. The Parole Board Changed my Conditions And Ordered that A New Standard Conditions Agreement Must be Signed. An Incident At Casa Grande on 8/22/2019 Caused A New Violation Report to be prepared, which I was later violated for on July 7, 2020.

NRS 213.1218 states that before A Person May be Released on Parole An Agreement MUST be Signed And Submitted to the Division stating that Person will Comply with the Conditions of Parole.

The August 22 2019 Incident At Casa Grande transpired before I Signed the Agreement. This Agreement is the Contract A Person enters into with the Division of Parole and Probation. I was never Released on Parole henceforth is why the Parole Board NEVER Declared me As An Absconder. However the Division of Parole and Probation erroneously Argued that I was A Parolee As of 6/25/2019. Since they hold this Argument to be true this means that the Violation Report that led to my Revocation is Null & Void due to fact that A Parolee does not have the same Rules or Code of Conduct As An Inmate. The Rule Violation of being late for Curfew Applies to Inmates not Parolees. Moreso the Error that Cause this Dilemma WAS Clerical Error in 6/25/2019 Interpretation where it is Stated that Reinstatement is on 10/1/2019. If this is Accepted is fact that means ~~I~~ I was an Inmate and not A Parolee And could not UNFULLY ~~Abscond~~ Abscond From A Parole that hasn't started.

(c) Ground THREE: Violation of 8th Amendment Right to Protection from Cruel and Unusual Punishment in the form of Excessive Confinement.

Supporting FACTS (Tell your story briefly without citing cases or law.): I was Arrested on April 16, 2020. My Parole Violation Report was Received on April 21, 2020. This Violation Report Reflected A 2/12/2022 Expiration Date. I Attended Parole Revocation Hearing on July 7, 2020 and was Revoked to Expiration with a Full Restoration of ALL Credits that were Earned Prior to Revocation. My Current Expiration is October 24, 2022.

The Dept of Corrections has ~~Revoked~~ Unlawfully Added more time to my Sentence. This Extra 8 months is Cited As Period of Absconding from 8/22/2019 to 4/21/2020.

Since I was Considered A Parolee from 6/25/2019 NRS 213.1585 is the Governing Statute over my Statutory Credits. Pursuant to NRS 213.1585(1)(4) that if A Parolee Absconded the Parole Board will then Determine the Dates that the Parolee was An Absconder And Parolee will not receive Credit for the Time of Absconding. Subsection (6)(f) Clarifies more in depth when it States that the time A Person is An "Escaped Prisoner" is time Not Credit towards term of Imprisonment.

At Johnson's July 7 2020 Parole Revocation Hearing the Board NEVER Classified Johnson As An "Escaped Prisoner" And NEVER Specified Any Period of Absconding. Therefore the Credits that NDOC has Refused to Restore Are Not Lawfully Forfeited And not in Conformity with NRS 213.1585. Johnsons Retake Warrant #44827 was Issued on 6/1/2020. Also Violation of Due Process As Johnson was Already Arrested And back in NDOC Custody As of 4/21/2020. This is Reason No Established Abscond Period because he Did Not Abscond.

(d) Ground FOUR: .....

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Supporting FACTS (Tell your story briefly without citing cases or law.): .....

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

EXECUTED at **High Desert State Prison** on the ___ day of the month of _____, 20___.

_____
*

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

VERIFICATION

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

_____
*

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

AFFIRMATION (Pursuant to NRS 239B.030)

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

_____
*

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

CERTIFICATE OF SERVICE BY MAIL

I, _____, hereby certify pursuant to N.R.C.P. 5(b), that on this ___ day of the month of _____, 20___, I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS addressed to:

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

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

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

_____
*

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

* Print your name and NDOC back number and sign

Electronically Filed
7/22/2021 2:51 PM
Steven D. Grierson
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
****

Corey Johnson, Plaintiff(s) vs. Nevada State of, Defendant(s)	Case No.: A-20-821716-W Department 24

NOTICE OF HEARING

Please be advised that the Plaintiff's Motion to Amend Petition for Writ of Habeas Corpus in the above-entitled matter is set for hearing as follows:

Date: August 31, 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

Electronically Filed
07/22/2021
CLERK OF THE COURT

27

Corey Johnson ID NO. 95007
HIGH DESERT STATE PRISON
22010 COLD CREEK ROAD
POST OFFICE BOX 650
INDIAN SPRINGS, NEVADA 89070
Corey Johnson In Proper Person

District Court
Clark County Nevada

Corey Johnson,
Petitioner,

vs.

State of Nevada,
Respondents.

CASE NO.: A-20-821716-W

DEPT NO.: 24

DATE OF HEARING: 9/7/2021
TIME OF HEARING:

ORAL Argument Requested,

"Legal Arguement for Petition for Writ of Habeas Corpus"

COMES NOW, Petitioner, Corey Johnson, In Proper Person and Respectfully Request of this Honorable Court to Amend this Legal Arguement to "Petition for Writ of Habeas Corpus. Also to Examine the Exhibits And Declare that Petitioner Johnson has had Numerous Rights Violated. (Grant Petition).

THIS Arguement, is made and based upon the attached Memorandum of Points and Authorities, all of the pleadings and other documents on file in this case, as well as NRS 213.15185(4) NRS 213.1518.

DATED This 5th day of July, 2021.

Respectfully submitted,

Corey Johnson
Corey Johnson ID NO. 95007
Corey Johnson In Proper Person

RECEIVED
JUL 20 2021
CLERK OF THE COURT

Legal Arguement

Petitioner Johnson hereby comes before this Honorable Court to Present And Address A Number Of inconsistencies And errors that have been made in Previous Proceedings And Have led to Numerous Due Process And Constitutional Violations.

The Respondents have Argued on Record that Petitioner has And is filing frivolous Motions however it is well within the Legal Right of Petitioner to seek Relief from the Court Especially in Cases of Manifest Injustice And Error.

In Cases invoking the loss of liberty, Property, and/or life the word "frivolous" must be discarded As the Court is the sole Entity that can Grant Relief and in this case sort out instances of Contradiction and Errors in interpretations of Law, And Most Importantly outright Disregard of the Law.

I. Parole Board NEVER DECLARED/DEEMED Johnson As An "Escaped Prisoner", NEVER determined Specific Dates or timeframe of Abscond

SEE Exhibit "1" Decision And Order Case No. A-20-821716-W Pg 4 of 5 lines 22-25

Wherefore the Court further Concludes that the

Calculation of Statutory Credit For Parolees is governed by NRS 213.15185. Pursuant to NRS 213.15185 if A Parolee absconded, the "PAROLE BOARD" will then determine the dates that the Parolee WAS AN Absconder And the Parolee will not receive Credit for the timeframe he Absconded.

SEE Exhibit "2" Decision AND Order Case No A-20-822586 Pg 3 of 6 lines 1-5

The Court Concluded that A Prisoner who is Paroled And leaves the State without permission from the Board or who does not keep the Parole Board informed As to his location shall be deemed AN "ESCAPED Prisoner" And Arrested As Such. The Parole Board will then decide as to whether the Parolee did Abscond In Accordance with NRS 176A.630(5). If the Parolee Absconded, the Parole Board will then determine the dates that the Parolee WAS AN Absconder And the Parolee will not receive Credit for the timeframe they Absconded.

NRS 213.15185(1) A prisoner who is Paroled And leaves the State without permission from the Board or who does not keep the Board informed As to his location As required by the Conditions of his Parole SHALL be DEEMED AN "ESCAPED PRISONER" AND Arrested AS SUCH.

NRS 213.15185(4) Except As otherwise Provided in NRS 213.15187, the time A Person is AN "ESCAPED Prisoner" is Not time Served on his term OF Imprisonment.

These Conclusions in (2) Seperate Case Numbers (A-20-821716-W and A-20-822582-W) Were based on the Respondents Opposition to Petitioners Petitions for Writs of Habeas Corpus. This fact can be verified by simple Comparison And it will be seen that the Respondents Opposition And Courts Conclusion Are VERBATIM! With this established it must be Accepted As Fact And legal Precedent that (1) NRS 213.1585 is the Governing Statute for the Calculation of Staustory Credits for Parolees (2) That if A Person does Not keep the Parole Board informed of his location or leaves the State without Permission He will be Declared/DEEMED An "Escaped Prisoner" And Arrested As Such (3) The time that A Person is An "Escaped Prisoner" is Not time SERVED On His term of Imprisonment. These Points Are Accepted As FACT.

SEE Exhibit "3" Certification of Action Parole Violation Hearing 7/7/2020

Exhibit "3" is Johnson's Certification of Action for his Parole Revocation Hearing Conducted on 7/7/2020. As When Viewing this document Can be Plainly Verified The "Parole Board" NEVER DEEMED Johnson AS An "Escaped Prisoner" And Neither did the Parole Board determine or Establish Any specific timeframe of Absconding.

It was Concluded twice that the Parole Board would determine the dates that A Parolee was An Absconder And that Parolee would not receive Credit for that time.

NRS 213.15185(4) Validates this Point by Clarifying that "The time a Person is An "Escaped Prisoner" is NOT time toward term of Imprisonment".

With this Conclusion Accepted And the Clarification of NRS 213.15185(4) Regarding who is not entitled to Credit toward their time of Imprisonment it is 100% Clear that the forfeiture of Johnson's Credits were Unlawful And not in Conformity with Nevada Revised Statutes.

The Next question must be Asked is "If the Parole Board NEVER determined or Established this Alleged timeframe of Abscond who did?" Then the question remains "Is Whomever that did determine this timeframe Authorized by Nevada Revised Statutes to lawfully do so?"

The Arguement now Is Not if Johnson's Credits were lawfully forfeited in Conformity with Nevada Revised Statutes, because it is UnArguable that Since The Parole Board NEVER Declared Johnson As an Escaped Prisoner And the fact that the "STop Date" And "Restart Date" Slots are void of Any Specific dates that Johnson is entitled to the Credits for the timeframe of 8/22/2019 to 4/21/2020

This Arguement is further Supported by the fact that the Warrant No #44827 WAS NOT ISSUED until June 1st 2020 After Johnson WAS Already BACK in Custody. Which Constitutes 14th Amendment Due Process Violation.

SEE Exhibit 4

II. Dept. of Corrections And Attorney General Not Authorized to Determine Period of Abscond for Parolee.

The Respondents And Court Arrived At SAme Conclusion that the "Parole Board" will determine the dates that Parolee Absconded And for those dates he will not receive the credit towards term of Imprisonment. This fact is based upon NRS 213.15185. However there is no Determined dates or no Deeming of Johnson As An "Escaped Prisoner" So Who Authorized the Dept. of Corrections to take it upon themselves to Declare A Specific time of Abscond And not give Johnson the Credit that he is entitled? Nowhere in the Nevada Revised Statutes Authorize or Allow the Dept of Corrections Any Jurisdiction OVER Parolees.

The Nevada REVISED Statutes have Made It Perfectly Clear that Parolee's Are Under the Supervision And Jurisdiction of the Division of Parole And Probation for "Supervision" purposes And The "Parole Board" is Responsible for the Credit And Determining If An Offender is Granted the Opportunity to Serve Sentence on Parole. The "Department" of Corrections is given the tasks of Supervising And Maintaing "Inmates".

Since Johnson was A Parolee AS OF June 25, 2019 it was the duty of the "Parole Board"

to determine the dates if Any for timeframe of Abscond.

SEE Exhibit "5" Credit History

As CAN be verified in this Exhibit Johnson's Credits for the timeframe of 8/22/2019 to 4/21/2020 have been forfeited. Not only have they been forfeited they have been unlawfully forfeited.

Johnson was not an Inmate during this Period because he was not revoked until 7/7/2020, therefore the determining of his Alleged Abscond was the responsibility of the Parole Board, and As Exhibit "3" validates the Parole Board NEVER Specified Any timeframe of Absconding.

The Dept of Corrections is Guilty of Violating Johnson's 8th Amendment Right to Protection from Cruel And Unusual Punishment in the form of Excessive Confinement.

There Are (2) Factors that Parole Board MUST do in order to lawfully forfeit a Parolee's Credits. First they must Deem the Parolee As An "Escaped Prisoner" and then they Must determine the dates OR timeframe that Parolee Absconded so that the proper Amount of time is Subtracted from Parolee's term of Imprisonment.

While the Respondents may Argue that the Omitting of the dates is a Clerical error it must be taken into Consideration that the Board Answered the Question that precedes the determing of dates

And that question is Is Petitioner An "Escaped Prisoner?" The Answer given by the Parole Board is NO! Since the Answer is NO there WAS/IS No Need to determine A Period of Absconed.

The law is impartial And is equally Applicable to All Party's Involved. How CAN the Respondents Raise the Arguement that NRS 213.151/85 is the Governing Statute over Parolees Statutory Credit, have the Court to Not Only Agree but base it's Conclusion on their Arguement, And then When Petitioner Presents Evidence from the Parole Board itself still Argue Vehemently A Point or Arguement that does not Exist. The Respondents CANnot HAve it both ways, If they Argue that the Parole Board Must or will Determine the dates or timeframe of Absconding, they must also Accept IF the Parole Board declines or has declined to forfeit A Parolees Credits.

IF Any ASpect of this Mandatory Component of NRS 213.151/85, whether it be Deeming Johnson As An "Escaped Prisoner" or Determining of dates of Abscond Johnson would not have A leg to stand on, but Since both Are done in Conformity with Statute, Respondents Arguement, And Court's Conclusion the only way Justice is Served And the law not Perverted is to Order A Restoration of Credits for the timeframe of 8/22/2019 to 4/21/2020.

III. Johnson's Parole Violation Report Prepared 4/21/2020 Shows 2/12/2022 Expiration. Johnson's Current Expiration is 10/24/2022 due to Unlawful Forfeiture of Credits. Violation of 8th Amendment Right to Protection From Cruel & Unusual Punishment In Form of Excessive Confinement.

See Exhibit "6" Parole Violation Report Prepared 4/21/2020

Johnson was Arrested on April 16, 2020. The Division of Parole and Probation Prepared his Violation Report on April 21, 2020. In this Violation Report Johnson's Expiration Date was Calculated to be 2/12/2022. Johnson Attended Revocation hearing on 7/7/2020 had All Credits that were previously Forfeited Restored, Johnson's Current Expiration is October 24, 2022.

This Extra 8 months that has been added to Johnson's term of Imprisonment is due to the forfeiture of Credit for the Timeframe of 8/22/2014 to 4/21/2020.

See Exhibit "5" Credit History

From August to April equals 8 months. This is the Period of time which has been proven through this Arguement As Unlawful. This is the

Dept. of Corrections overstepping it's boundaries And Unlawfully forfeiting Credits that are not lawfully subject to forfeiture.

It Should be Noted And Asked of the Respondents "How can it be logically possible that Johnson's Expiration date on 4/21/2020 was 2/12/2022, he Attends Parole Revocation Hearing has All Credits Restored And his Current Expiration is farther Away then it was prior to the Restoration of Credits? Or Are the Respondents telling this Honorable Court that Johnson would have fared more favorably if he declined Attending his Revocation Hearing and not having Credit Restored? That way At least his date would Still be in February instead of October.

This is preposterous And basically an insult to Common Sense, And yet this is what Petitioner has been forced to Endure Since 7/7/2020. Yet it has been Argued And Concluded that Johnson's Credits were Properly forfeited, And the Respondents have had the Audacity to Say to the Court that Mr Johnson is Burdensome to them And that he is filing Frivolous Motions And Petitions.

IV Due to various Miscommunications within Division, Lack of Communication between Division And Department, Misinterpretation of Nevada Revised Statutes led to Petitioner's Violation And Revocation.

4/21/20

SEE Exhibit "6" Parole Violation Report

SEE Exhibit "7" Dept of Corrections Casenote Printout

See Exhibit "8" Summary of Preliminary Inquiry Hearing 8/26/20

SEE Exhibit "9" Letter from NDOC Deputy Director Brian Williams

Exhibit "6" And Exhibit "8" Are both From the Nevada Dept. of Public Safety Division of Parole And Probation. It should be A Foregone Conclusion that Within One Organization there would be Consistency And Accord. It would further be thought that Something As Simple As A Reinstatement to Parole Date would CAUSE NO Confusion.

As CAN be Verified when Comparing two documents from one Source there are (2) Seperate And Completely Different Stances. The Violation Report Says Johnson Was Reinstated to Parole on October 1, 2019; whereas the Summary of Preliminary Inquiry Hearing emphatically States that Johnson was Indeed A Parolee due to being Reinstated on June 25, 2019. How CAN one Entity whose sole job is to know Parolee's Reinstatement dates have 2 different outlooks?

Exhibit "7" And Exhibit "9" both originate from the Dept. of Corrections. In Exhibit "7" the Casenote 2 days After Johnson's 6/25/2019 Revocation Hearing it was Entered that Johnson was to be Continued on Parole "As" of 10/1/2019. When

Comparing that with Exhibit "eeg" which is a letter from the Deputy Director of Dept of Corrections (Only one Position from being NDOC Director) He states that "upon Review it shows that Johnson's Parole was Reinstated on 6/25/2019. Again this is one Organization with a totally different Conclusions As to when Petitioner's Reinstatement Date was.

If can be Asked why does this matter in the Grand Scheme of things? The Answer is Simple the date of Reinstatement determines or defines Johnson's Custody Status As either An Inmate or Parolee.

SEE Exhibits "8" And "9" Both of these Documents have finally Agreed on One Simple truth that Johnson was Reinstated on 6/25/2019. Now when Comparing Again the Division of Parole And Probation take the Position that since Johnson was Reinstated to Parole on 6/25/2019 he was therefore Considered A Parolee which does not make him An Inmate. They go further to support this Position by saying "Johnson would only be An Inmate if his Parole was Revoked or Rescinded And since Neither happened he was A Parolee".

Deputy Director Brian Williams on the Other Hand in Exhibit "9" Argues Point by Stating "Because You Were An Inmate in the Custody of Nevada Dept. of Corrections housed At CGTH And yet A Parolee.

Again Why is this Important? The Reasoning is Quite Simple If Johnson was An Inmate As NDOC has argued that means it is Impossible that Johnson Absconded Parole that NEVER Started. Of Equal Reasoning If Johnson was the Parolee that Parole and Probation has Argued the rules for Parolees And Inmates Are Completely different at Casa Grande, And the 4:00 Curfew Rule only applies to Inmates. In other words Johnson Never broke the Rules!

However this Problem goes a little deeper. Johnson was transported to Casa Grande Due to being Reinstated on Parole. At the time of being Submitted Johnson was told he was a Parolee And was going to be on the Parole Side As Part of his New Conditions required Intensive Supervision. Upon Arriving is where the Confusion between the two Entities Arose. When the Caseworker Viewed the Casenotes She saw the Continue on Parole as of 10/11/2019 And She informed Johnson that there was An Error And that it would be fixed within A few days And that it didn't make any Sense to go back to High Desert State Prison. She informed Johnson to go on "Inmate" Side because that's where there was room Available but He Officially is A Parolee.

Johnson Arrived on 7/31/2019 And Complied

MOTION AS "SHOW CAUSE" MAILED THROUGH HDSP MAILROOM
DATED this 06TH day of July, 2021.
TO U.S. DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

STATE OF NEVADA
DEPARTMENT OF CORRECTIONS
INMATE ACCOUNT TRANSACTION REQUEST

L-4 7/16/21

Date: 07/06/2021 **№ 2493328**

To: Inmate services

I hereby authorize my account to be charged in the amount of $2.00 (two Dollars).

Please pay to N.D.O.C.

Signature

Print name XIAO YE BAI

ID No 1099891 Institution H.D.S.P.

Approved by S/O G. Joy

Transfer	Purchase Order	Postage	Other
		Legal Postage	

White Inmate Services
Canary Institution Copy
Pink Inmate

DOC 509 (Rev.2/06)

Febo

With All the Rules on the "Inmate" Side While Awaiting the Move to Parolee Side. He was told that He was Reinstated to Parole on June 25 2019 And therefore had the privileges of A Parolee he was only WAITing for Offender MANagement Division And Parole And Probation to Sort through the Schematics.

Henceforth when the August 22, 2019 Incident which is the root of Revocation And everything else Came About Johnson was technically not in the wrong for being late at 4:00 pm As the Violation Report states because that rule Never Applied to him. Also this is the Reason that the Attorney General Dismissed Case Number 19F23878X Against Johnson for Un Authorized Absence Constituting Escape by Prisoner. Per NRS 212.095 the rules did not Apply.

Petitioner Respectfully Asks of this Honorable Court one question "If All of these Entities And People who have been given the Responsibility of Supervising People like Mr. Johnson Are Confused After All of their training how Could Mr. Johnson be Anything but Confused And bound for error?"

Yet this is the Situation And Johnson has been Punished Institutionally As An Inmate. And has been Punished by the Parole Board

As A Parolee by having Parole Revoked to Expiration.

This issue is much bigger than Johnson this is And WAS A mess up On A Grand Scale And Rather than Admit that the System is broken And that they Contributed to this Problem It is Easier to just Revoke his Parole And "Metaphorically" Sweep this one Under the rug.

Case In Point SEE Exhibit "3" It says that Johnson was Never Deemed An Escaped Prisoner And No Period of Abscond was Specified As A Consolation for being A SCAPEgoat. All of this was brought to Parole Boards Attention on 7/7/2020 And Again Rather than Allowing this Unique Circumstance to Set Any type of Precedence It was much Easier to Shut him up And get him out of there Quickly And just Expire the Sentence Quickly And be done, It was Never factored in that the NDOC would hinder Progress And not give Johnson his Credits. It was this that caused Johnson to have to seek Relief from the Court so Again it is A outright Slap In the Face of Justice for the Attorney General to feel they've been burdened with Mr. Johnson fighting for his liberty.

Conclusion

Petitioner Prey upon this Honorable Court to Grant this WRIT of Habeas Corpus based upon Perponderence of Evidence supported And Seeks Relief in the form of A Modification of Sentence Constituting release or An Immediate Suspension of Sentence. At very worse Petitioner Prays upon this Honorable Court to Order the Nevada Parole Board to Reinstate Johnson's Parole And Conduct Revocation Hearing Again Correctly so this Confusion will not Reprise.

Lastly history has shown that the Respondents will Contest And Argue Against Reason, Truth, And Law so Petitioner Prays upon this Honorable Court to Grant Johnson the Opportunity to present his Arguement to This Court Orally at Earliest possible date to Prevent the Manifested Errors of Law And Justice from Continuing.

Exhibit "I"

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CLERK OF THE COURT

DAO

DISTRICT COURT

CLARK COUNTY, NEVADA

COREY JOHNSON, Petitioner, vs. STATE OF NEVADA, Respondents.	Case No. A-20-821716-W Dept. No. XV

DECISION AND ORDER

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

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

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

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

Exhibit C 1 of 7

Statistically closed: USJR - CV - Summary Judgment (US9

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

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

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

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

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

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

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

WHEREFORE THE COURT FURTHER CONCLUDES that the calculation of statutory credit for parolees is governed by NRS 213. 15185. Pursuant to NRS 213.15185, if a parolee absconded, the parole board will then determine the dates that the parolee was an absconder and the parolee will not receive credit for the timeframe he absconded. In this case, the parole board determined that on two separate occasions that Mr. Johnson had absconded from supervision while paroled. Specifically, Mr. Johnson absconded in July 2017 and was arrested in April 2019 and absconded again in August 2019 and was arrested in April 2020. Because Mr. Johnson absconded during those timeframes, he is not entitled

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

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

IT IS SO ORDERED this _____ day of _____

Dated this 25th day of September, 2020

The Honorable Joe Hardy
District Court Judge

73A 955 E844 A689
Joe Hardy
District Court Judge

Submitted by:

AARON D. FORD
Attorney General

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

Exhibit "2"

Exhibit "2"

or who does not keep the parole board informed as to his location shall be deemed an escaped prisoner and arrested as such. The parole board will then decide as to whether the parolee did abscond in accordance with NRS 176A.630 (5). If the parolee absconded, the parole board will then determine the dates that the parolee was an absconder and the parolee will not receive credit for the timeframe they absconded. NRS 213.15185.

In this case, the parole board determined that on two separate occasions that Johnson had absconded from supervision while paroled. *See Exhibit 7 at Pages 13-14 and 15-16, and 18.* Specifically, Johnson absconded in July 2017 and was arrested in April 2019 and absconded again in August 2019 and was arrested in April 2020[2]. Because Johnson absconded during those timeframes, he is not entitled to credit for that period regardless if the parole board reinstated him or revoked his parole. As reflected in Johnson's credit history, Johnson did not receive credit during the period he absconded. *See Exhibits 8-10.* Because Johnson did not receive credit during the period of his absconding, his parole expiration dates correctly reflect the timeframe that his sentence will expire. Johnson believes that because the parole board did not forfeit the statutory credit, he earned prior to his parole revocation, he is also entitled to credit earned during his absconding period, but he is mistaken. The statutory credit that Johnson earned prior to his parole revocation reflects credit he earned while he was adhering to the terms and conditions of his parole. Once Johnson absconded, he was not in compliance and therefore could not earn credit. Johnson's credit history also reflects that Johnson did not lose any statutory credit except for the timeframe he violated the terms and conditions of parole. Because Johnson only lost statutory credit during his absconding and his expiration date properly reflects the expiration of his sentence, Johnson's constitutional right to be protected from excessive confinement was not violated. As a result, Johnson's credits were properly forfeited, he did not already expire the term of his sentence, he is not entitled to an automatic credit recalculation, and he is not entitled to his original parole expiration dates.

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[2] Respondents acknowledge and understand that Johnson argues he was in custody at the Nevada Department of Corrections when he absconded, but he still absconded while under the supervision of parole (Exhibit 11, *Parole Violation at Page 13*).

Exhibit "2"

Exhibit "3"

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 Sentence(s) [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 05/01/2020 Arrest Date: 04/16/2020

Was the PI Hearing conducted for waived? Conducted Was the notice of rights executed? Yes

Counsel Type: Retained / Public Defender Represented By: COX

Johnson WAS Never Deemed An Escaped Prisoner therefore This time Continuelly Ran

Escaped Prisoner? No Stop Date: Restart Date: X

CHARGES, PLEAS and FINDINGS

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: Parole Credit Forfeiture:	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: 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 ☐1st ☐2nd ☐3rd ☐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: EXP	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 ALL credits
	No Action Taken	

Evidence Relied Upon:

Guilty Plea (where applicable)

- X Report of P&P: Violation Report dated 04-21-2020
- X Police Report: LVMPD Temporary Custody Record dated 04-16-2020
- X Police Report: LVMPD Declaration of Arrest Report dated 04-16-2020
- X Police Report: NDOC Escape Arrested dated 08-23-2019
- X Others: Email from Mark Rutledge dated 04-17-2020
- X Others: Justice Court Arrest Warrant dated 04-16-2020
- X Others: Register of Actions dated 05-01-2020

Name of P&P Division Representative: Officer Stanton

Names of Parole Board Panel Members Present: Christensen, Durkee, 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 MISCONDUCT. SUBSEQUENT FOR MORE THAN 60 DAYS. AND WALKED AWAY FROM HALFWAY HOUSE

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

FOR THE NEVADA BOARD OF PAROLE COMMISSIONER

PV-Blank- ver-7 1-2020

Exhibit 3

Exhibit "4"

NO. 44827

STATE OF NEVADA

Executive Department

WARRANT FOR RETAKING A PAROLED PRISONER

To any Parole Officer or any Peace Officer Authorized to Arrest or Serve Criminal Process:

The undersigned, having probable cause to believe that CORY JOHNSON, a paroled prisoner of the Nevada Department of Corrections, has violated the conditions of parole.

NRS 179.209 PROHIBITS THIS PAROLEE FROM BEING ADMITTED TO BAIL.

NOW, THEREFORE, pursuant to the provisions of, section 213.151 of Chapter 213, Nevada Revised Statutes, it is hereby ordered that said parolee be retaken and returned to the Nevada Department of Corrections and into the actual custody of the Director thereof, and you and each of you are hereby authorized and required to retake the parolee. For so doing, this warrant is legally sufficient.

Dated at Carson City, Nevada, this 1st day of June, 2020.

BOARD OF PAROLE COMMISSIONERS

Member of the Board of Parole Commissioners

DIVISION OF PAROLE AND PROBATION

Chief Parole and Probation Officer

WARRANT DATA

Date of Arrest:

By

Agency

Exhibit 4

Exhibit "5"

Offender: JOHNSON, COREY - 0000095007 | Sentence: 2 | Count: 1

Current Earned Expiration Date: 10/02/2024

Case	Sentence Dt	J/O	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
264344	10/14/2010	248	02/08/2010	20y 0m 0d	7305	02/07/2015	10/07/2022	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
03/01/2019	03/31/2019	WORK	0	No Comment	2036
04/01/2019	04/13/2019	FISCAL	0	No Comment	2036
04/01/2019	04/13/2019	FLAT	0	No Comment	2036
04/01/2019	04/13/2019	STAT	0	No Comment	2036
04/01/2019	04/13/2019	WORK	0	No Comment	2036
04/14/2019	04/30/2019	FISCAL	12	No Comment	2024
04/14/2019	04/30/2019	FLAT	17	No Comment	2007
04/14/2019	04/30/2019	STAT	6	No Comment	2001
04/14/2019	04/30/2019	WORK	6	No Comment	1995
05/01/2019	05/31/2019	FISCAL	20	No Comment	1975
05/01/2019	05/31/2019	FLAT	31	No Comment	1944
05/01/2019	05/31/2019	STAT	10	No Comment	1934
05/01/2019	05/31/2019	WORK	10	No Comment	1924
06/01/2019	06/30/2019	FISCAL	0	OTIS credits for 05/2019	1924
06/01/2019	06/30/2019	FLAT	30	No Comment	1894
06/01/2019	06/30/2019	STAT	10	No Comment	1884
06/01/2019	06/30/2019	WORK	0	OTIS credits for 05/2019	1884
07/01/2019	07/31/2019	FISCAL	20	No Comment	1864
07/01/2019	07/31/2019	FLAT	31	No Comment	1833
07/01/2019	07/31/2019	STAT	10	No Comment	1823
07/01/2019	07/31/2019	WORK	10	No Comment	1813
08/01/2019	08/21/2019	FISCAL	14	No Comment	1799
08/01/2019	08/21/2019	FLAT	21	No Comment	1778
08/01/2019	08/21/2019	STAT	7	No Comment	1771
08/01/2019	08/31/2019	WORK	7	No Comment	1764
08/22/2019	08/31/2019	FISCAL	0	No Comment	1764
08/22/2019	08/31/2019	FLAT	0	No Comment	1764
08/22/2019	08/31/2019	STAT	0	No Comment	1764
09/01/2019	09/30/2019	FISCAL	0	No Comment	1764
09/01/2019	09/30/2019	FLAT	0	No Comment	1764
09/01/2019	09/30/2019	STAT	0	No Comment	1764
09/01/2019	09/30/2019	WORK	0	No Comment	1764
10/01/2019	10/31/2019	FISCAL	0	No Comment	1764
10/01/2019	10/31/2019	FLAT	0	No Comment	1764
10/01/2019	10/31/2019	STAT	0	No Comment	1764
10/01/2019	10/31/2019	WORK	0	No Comment	1764
11/01/2019	11/30/2019	FISCAL	0	No Comment	1764
11/01/2019	11/30/2019	FLAT	0	No Comment	1764
11/01/2019	11/30/2019	STAT	0	No Comment	1764
11/01/2019	11/30/2019	WORK	0	No Comment	1764
12/01/2019	12/31/2019	FISCAL	0	No Comment	1764
12/01/2019	12/31/2019	FLAT	0	No Comment	1764
12/01/2019	12/31/2019	STAT	0	No Comment	1764

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

Offender: JOHNSON, COREY - 0000095007 Exhibit "H" #3 Sentence: 2 Count: 1

Current Earned Expiration Date: 10/02/2024

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
264344	10/14/2010	248	02/08/2010	20y 0m 0d	7305	02/07/2015	10/07/2022	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
12/01/2019	12/31/2019	WORK	0	No Comment	1764
01/01/2020	01/31/2020	FISCAL	0	No Comment	1764
01/01/2020	01/31/2020	FLAT	0	No Comment	1764
01/01/2020	01/31/2020	STAT	0	No Comment	1764
01/01/2020	01/31/2020	WORK	0	No Comment	1764
02/01/2020	02/29/2020	FISCAL	0	No Comment	1764
02/01/2020	02/29/2020	FLAT	0	No Comment	1764
02/01/2020	02/29/2020	STAT	0	No Comment	1764
02/01/2020	02/29/2020	WORK	0	No Comment	1764
03/01/2020	03/31/2020	FISCAL	0	No Comment	1764
03/01/2020	03/31/2020	FLAT	0	No Comment	1764
03/01/2020	03/31/2020	STAT	0	No Comment	1764
03/01/2020	03/31/2020	WORK	0	No Comment	1764
04/01/2020	04/20/2020	FISCAL	0	No Comment	1764
04/01/2020	04/20/2020	FLAT	0	No Comment	1764
04/01/2020	04/20/2020	STAT	0	No Comment	1764
04/01/2020	04/20/2020	WORK	0	No Comment	1764
04/21/2020	04/30/2020	FISCAL	7	No Comment	1757
04/21/2020	04/30/2020	FLAT	10	No Comment	1747
04/21/2020	04/30/2020	STAT	4	No Comment	1743
04/21/2020	04/30/2020	WORK	4	No Comment	1739
05/01/2020	05/31/2020	FISCAL	20	No Comment	1719
05/01/2020	05/31/2020	FLAT	31	No Comment	1688
05/01/2020	05/31/2020	STAT	10	No Comment	1678
05/01/2020	05/31/2020	WORK	10	No Comment	1668
06/01/2020	06/30/2020	FISCAL	0	OTIS credits for 05/2020	1668
06/01/2020	06/30/2020	FLAT	30	No Comment	1638
06/01/2020	06/30/2020	STAT	10	No Comment	1628
06/01/2020	06/30/2020	WORK	0	OTIS credits for 05/2020	1628
07/01/2020	07/06/2020	FISCAL	4	No Comment	1624
07/01/2020	07/06/2020	FLAT	6	No Comment	1618
07/01/2020	07/06/2020	STAT	2	No Comment	1616
07/01/2020	07/31/2020	WORK	0	Reduction for not working	1616
07/07/2020	07/31/2020	FLAT	25	No Comment	1591
07/07/2020	07/31/2020	STAT	17	No Comment	1574
08/01/2020	08/31/2020	FLAT	31	No Comment	1543
08/01/2020	08/31/2020	STAT	20	No Comment	1523
08/01/2020	08/31/2020	WORK	0	Reduction for not working	1523
09/01/2020	09/30/2020	FLAT	30	No Comment	1493
09/01/2020	09/30/2020	STAT	20	No Comment	1473
09/01/2020	09/30/2020	WORK	10	No Comment	1463
10/01/2020	10/31/2020	FLAT	31	No Comment	1432
10/01/2020	10/31/2020	STAT	20	No Comment	1412

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

Exhibit "G"

Nevada Department of Public Safety

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 I: HABITUAL CRIMINAL (LESSER)
SENTENCE: 5-20 YEARS NDOC/$25AA/$150DNA

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 LVMPD and booked into Clark County Detention Center on NDOC warrant Escape (F).

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 6

Exhibit "7"

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

ID: 75807 Name: JOHNSON, COREY Location: RDSP/UA-SHA

Date/Time: 08/27/2019 Type/Subtype: SENT MNO/SENT MAN Staff Member: ROYER, DEB

Parole Revocation hearing held 8/27/19
Continued on Parole as of 10/1/19

Date/Time: 07/12/2019 Type/Subtype: GENERAL/GEN Staff Member: TREADWELL, LARRY

Received Order Setting Conditions of Parole Supervision and it was mailed to inmate

Date/Time: 07/31/2019 Type/Subtype: GENERAL/GENERAL REV Staff Member: SMITH, TEDDY

EXIT REVIEW: Inmate is not yet eligible for transfer to a CCC. Next review will be upon inmate's appearance before the Board. Inmate is encouraged to participate in all programs offered.

Date/Time: 08/01/2019 Type/Subtype: PAROLE/STATUS CHANGE Staff Member: RAYMOND, JANE

The following information is provided to assist the Parole Board:

Should parole be granted, this inmate will be released to the following plan of release:

Primary
Name: Johnson, Corey
DOB: 8/1/1980
Relationship: Self
Phone: [redacted]

Secondary
Name: [redacted]
Relationship: Mother
Phone: [redacted]

Report Name: INMRGNF Page: 1 of 3
Reference Name: NDOC_INMATE_CASE_NOTE_RPT
Run Date: 10/08/2020 01:04 PM

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

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

03/31/2017 TO LAS VEGAS. NO ACTIVE WANTS, WARRANTS, HOLD OR DETAINERS WERE REPORTED. ALL RELEASE PAPERWORK WAS COMPLETED BY CCS CANTRELL AND INMATE @ TCC. BLOOD DRAW REQUESTED. I-FILE REVIEWED, ALERTS CHECKED. A COPY OF ALL DOCUMENTS ALONG WITH RELEASE ACCESS CARD #454926, 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 ...[DENAECLARK 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 "G"

Exhibit "8"

Nevada Department of Public Safety

Division of Parole and Probation

SUMMARY OF PRELIMINARY INQUIRY HEARING

May 26, 2020

TO THE HONORABLE BOARD OF PAROLE COMMISSIONERS
CARSON CITY, NEVADA

NAME: JOHNSON, CORY
FILE: L17 2414
CC#: C260737

The above-named subject appeared for a Preliminary Inquiry Hearing on May 21, 2020, at 14:00 via phone as he was incarcerated at the Nevada Department of Corrections

APPEARANCES:

For Probationer/Parolee: Johnson, Cory (via phone)

Charging Officer: Marquez, DPS Officer (via phone)

Hearing Officer: S. Conroy, DPS Officer (via phone)

Supporting Documents (Attached):

1. Violation Report dated April 21, 2020.

RIGHTS VERIFICATION: Hearing Officer S. Conroy inquired of Mr. Cory Johnson if he had received copies of the Violation Report and the Parole and Probation Form 40, listing his rights per Morrisey and Scarpelli Supreme Court Decisions, and Mr. Johnson replied in the affirmative. Mr. Johnson also indicated he fully understood the charges and his rights during the Violation process explained in the Parole and Probation Form 40.

VIOLATION CASE: Officer Marquez summarized the Violation Report which indicates Mr. Johnson violated: Directives and Conduct; Laws

Exhibit "8"

SUMMARY OF PRELIMINARY INQUIRY HEARING Exhibit "8" Cont'd

RE: JOHNSON, CORY
FILE #: L17-2414
CC#: C260737

DEFENSE CASE: Mr. Johnson denied being in violation of each of the alleged. Mr. Johnson stated that he was not on parole yet and should be considered an inmate not a parolee. Therefore, he should not be in violation of parole. He did not have any documents, evidence, witnesses, etc. to support his case.

FINDINGS: Having considered the evidence presented by Officer Marquez, and the lack of evidence to support claims from Mr. Johnson, this Officer finds there is probable cause to continue detention of the Defendant for Parole Violation. It should be noted that Mr. Johnson was reinstated to parole on June 25, 2019; which negates his claim that he was an inmate. Due to the fact he was reinstated on parole pending his release to the community he was under supervision of the Division, which does not make him an inmate. Mr. Johnson would only be considered an inmate should his parole have been revoked or the Board rescinded his parole. Since neither of these took place at his revocation hearing on June 25, 2019, Mr. Johnson was a parolee at the time of his escape, just be supervised in an institution. This Preliminary Inquiry Hearing was adjourned at 1500 on May 21, 2020.

Respectfully submitted,

S. Conroy, Hearing Officer
Division of Parole and Probation
Southern Command, Las Vegas, NV

With Everything Stated here the Questions Are:

(1) Since I have not been convicted Criminally or Institutionally of Escape how can that legally be Stated in Report? ("Innocent Until Proven Guilty" Remember?)

(2) What Genius Did Not look At the Date of my Parole Reinstatement and made the Egregious Error of Charging me Under NRS 212.095 Under Direct Violation of its Dictates in Subsection (2)?

(3) Is this A Clear Case of Malice Prejudice, Ignorance or All 3?

Exhibit "8"

Exhibit "9"

September 22, 2020

Corey Johnson #95007
HDSP
P.O. Box 650
Indian Springs, NV 89070

Inmate Johnson,

I have received and reviewed your letters dated July 12, 2020 and July 15, 2020.

When you were transferred to Casa Grande Transitional Housing (CGTH) on July 31, 2019, you were still an inmate under the custody of Nevada Department of Corrections (NDOC). A review of your parole grant reflects that your parole was reinstated by the Parole Board on June 25, 2019. However, as you are aware, you cannot be released on parole until your housing plan is approved by the Division of Parole and Probation and you sign your parole release documents with an NDOC Release Coordinator. You had not signed such documents at the time of the incident in question.

You stated in your letter that while at CGTH, you were out on a job search when you suffered a medical episode and was admitted into UMC for treatment. Page eleven (11) of the CGTH Inmate Handbook states, "On a job search, you must call in to Unit Control if you run into ***any*** issues relating to you returning to CGTH by your approved return time. This is extremely important as you are accountable for your whereabouts at all times. Failure to notify CGTH of any and all delays is considered a violation and may lead to placing you on ESCAPE STATUS." If you were at UMC with a medical-related issue, you did not follow protocol and by notifying CGTH officers. NRS 212.095 does apply to you because you were an inmate in the custody of the Nevada Department of Corrections housed at CGTH, and not yet a parolee.

This misinterpretation is underlying cause of issues

Any request you have associated with the dismissal of the MJ6 Escape charge must go through the disciplinary appeal process as noted in Administrative Regulation (AR) 740: Inmate Grievance Procedure.

While what has happened is an unfortunate series of events, you are responsible for your own actions and the consequences that are associated with such. I suggest you participate in programming such as "Getting It Right" and "Moral Reconation Therapy" that are facilitated by Re-entry staff to provide you with tools that may enhance your future.

Brian E. Williams, Sr.
Deputy Director of Programs
Nevada Department of Corrections

BW/jw

Exhibit "V" aq11

Exhibit "10"

WHITE-Board File
CANARY-Parolee/Inmate
PINK-Parole & Probation
GOLDENROD-NDOC

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

JOHNSON, COREY B	95007	2010-054264	HDSP-U1-B-25-A	06/25/2019
INMATE NAME	NDOC NUMBER	BOOKING#	LOCATION	DATE

Affected Sentences (Controlling sentence denoted by *)
263976;1;HABITUAL CRIMINAL (LESSER)
260737;1;HABITUAL CRIMINAL (LESSER)
264344;1;HABITUAL CRIMINAL (LESSER)

Warrant # 41364 Warrant Date 07/10/2017 Arrest Date: 04/14/2019

Was the PI Hearing conducted or waived? Waived Was the notice of rights executed? Yes

Counsel Type: Retained / Public Defender Represented By: Richards

Absconder Yes Stop Date: 07/10/2017 Restart Date: 04/29/2019

CHARGES, PLEAS and FINDINGS

Charges	Parolee Plea	Board Finding	Other Action
Reporting	Guilty / Not Guilty	Guilty / Not Guilty	
Directives	Guilty / Not Guilty	Guilty / Not Guilty	
Residence	Guilty / Not Guilty	Guilty / Not Guilty	
Conduct	Guilty / Not Guilty	Guilty / Not Guilty	
Employment/Program	Guilty / Not Guilty	Guilty / Not Guilty	
Financial Obligations	Guilty / Not Guilty	Guilty / Not Guilty	
Controlled Substances	Guilty / Not Guilty	Guilty / Not Guilty	withdrawn by P&P
Out-of-state Travel	Guilty / Not Guilty	Guilty / Not Guilty	
Laws	Guilty / Not Guilty	Guilty / Not Guilty	withdrawn by P&P

ACTION (indicate one):

	Parole is revoked to: _____.	**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.**
√	**Continue on Parole:** ___ Immediately X Upon Plan Approval X At Date 10/01/2019 **Parole Credit Forfeiture:**	**WARRANT IS QUASHED.** Parolee is continued with the same conditions unless specified as follows: Must sign new standard conditions. Complete substance abuse eval within 14 days of release at NDOC. Intensive Supervision with electronic supervision not to exceed 180 days all previously imposed terms remain in effect. The Board orders the forfeiture of 0 credits earned while on parole for having been found guilty of a violation of parole.
	No Action Taken	

Evidence Relied Upon:

X Guilty Plea (where applicable)
X Report of P&P: Violation Report dated 6/28/2017; Supplemental Violation Report dated 4/15/2019, 5/03/2019
X Police Report: LVMPD Temporary Custody Record 4/29/2019; Declaration of Warrant Summons 9/27/2018
X Police Report: CCDC Arrest Warrant Abstract 4/29/2019
X Police Report: DPS High Profile Event Notification Form 5/03/2019; NDPS Property Report 5/18/2017
X Supervision Fee Report: P&P Statement of Subject Supervision Fee Account 5/15/2019
X Restitution Report: P&P Statement of Subject Restitution Account
X Other: Las Vegas Indian Center 5/05/2017, 18F18448X Register of Actions 5/15/2019; Court Minutes 5/01/2019
X Other: Multnomah County Sheriff's Office Fugitive Transport 4/14/2019, Circuit Court of the State of Oregon Waiver of Extradition 4/16/2019

Name of P&P Division Representative: Officer Stankus

Name of Parole Board Panel Members Present: Keeler, Christiansen, VIA Telephone De La Torre

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:

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

FOR THE NEVADA BOARD OF PAROLE COMMISSIONERS

PV-Blank- ver-4-4-2017

COPY

Corey Johnson 95007
Corey In Propria Personam
Post Office Box 650 [HDSP]
Indian Springs, Nevada 89018

DISTRICT COURT

CLARK COUNTY, NEVADA

Corey Johnson,
~~Plaintiff~~, Petitioner

vs.

State of Nevada,
Respondents.

Case No. A-20-821716-W

Dept. No. 24

~~Hearing~~ Date: 8/31/2021

Time of Hearing: 9:00 AM

ORAL ARGUEMENT Requested

"Reply to Respondents Motion to Dismiss"
"Motion and Order to Transport Inmate to Oral Argument

COMES NOW, Corey Johnson Petitioner herein above respectfully moves this Honorable Court for an Immediate Dismissal of Respondents Opposition, Declare Petitioner's Arguements are With Merit and Order A Hearing With Oral Arguements to Settle this Case With Finality.

This Motion is made and based upon the accompanying Memorandum of Points and Authorities. And All documents on File in this Case. NRS 213.15185(4), 213.1518(2)

DATED: this 19th day of July, 2021.

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

Petitioner Johnson humbly prays upon this Honorable Court to Dismiss Respondents Motion to Dismiss. The Respondents have proven now that they are Prosecuting in a "Malicious" manner and are showing no regard for the Nevada Revised Statutes, U.S. Constitution or the integrity of this Court or the Office in which they are employed.

The Respondents are Attempting to bend the law so that it suits them and excludes Petitioner. The LAW if nothing else must be IMPARTIAL.

In this case what has and is continuing to happen is the Respondents Presented an Argument and it was Accepted by the Court and a Decision and Order was Issued. This Decision and Order is Accepted as fact and the facts of it are now favorable to Petitioner because Proper Protocol and Procedure were not followed.

It is not Petitioner's fault that Respondents Presented an Argument, but later is discovered that the Parole Board did NOT perform their duties in Conformity with NRS's.

This fact Alone warrants Petitioner's Continual Attempt to seek Justice and Relief.

Legal Arguement

Petitioner Johnson hereby request of this Honorable Court to Reopen Case Number A-20-821716-W based upon the Grounds of Correcting Manifest Errors of Law And fact And the Need to Prevent Manifest Injustice.

I. Forfeiture of Johnson's Credits For 8/22/2019 to 4/20/2020 were not in Conformity with NRS 213.15185(4)

NRS 213.15185(1) A Prisoner who is Paroled and leaves State without permission from the Board or who does not keep the Board informed to his location As required by the conditions of his Parole Shall be Deemed an "Escaped Prisoner" And Arrested As Such. NRS 213.15185(4) Except As Otherwise Provided in NRS 213.15187 the time A Person is An "Escaped Prisoner" is Not time served on his term of Imprisonment.

The Court Concluded in Decision And Order pg 2 of 5 lines 1-3 that Johnson was Reinstated back on Parole on June 25 2019 And was Pending Supervised Release on October 1 2019.

The Court further Concluded in Decision And Order pg 4 of 5 lines 22-25 that the Calculation of Statutory Credits for Parolees is governed by NRS 213.15185. Pursuant to NRS 213.15185 if A Parolee Absconded the "PAROLE BOARD"

will then Determine the "Dates" that the Parolee WAS An Absconder And Parolee will Not Receive Credit FOR the timeframe he Absconded.

The Respondents in their Opposition to Petitioner's Writ of Habeas Corpus used this Arguement And the Court Accepted this Arguement And MADE their Conclusion based upon this Factual Arguement.

Since the Courts Final Conclusion is based upon the Arguement VERBATIM it must be Accepted AS Right And Exact and it must Apply to both the Petitioner And Respondent to be viewed As Just. SEE Exhibit "A" Certification OF Action Parole Violation Hearing 7/7/2020

The Court Accepted And Concluded that NRS 213.15185 is the Governing Statute for Parolees Statutory Credit, And it is Proven that Johnson WAS REINSTATED to Parole on 6/25/2019 so there is no doubt this Statute Applies to Johnson.

When Comparing Exhibit "A" to the NRS 213.15185 (1)(4) it is Clear that Johnson's Credits were UnlAwfully Forfeited.

1) The Parole Board NEVER DeemED or DECLARED Johnson to be AN "ESCAPED PRISONER".

2) The Parole Board NEVER Established OR Specified A Specific Period of Abscond. In other Words The Parole Board NEVER Determined the Dates. The STOP And Restart Date Slots Are

Empty signifying that No dates were determined, Specified, or Established.

With these facts stated and verified with Exhibit "A" it is impossible to say that Johnson's Credits were properly forfeited or that the forfeiture is in Conformity with NRS 213.15185.

The Parole Board when Preparing this Certification of Action could have if it was their choice have labeled Johnson an "Escaped Prisoner" and could have listed which dates they chose as days of Abscond, however they opted not to and it is within their discretion to do so. NRS 213.15185(3)

The Parole Board also within their Discretion RESTORED ALL of Johnson's Credits earned prior to date of Revocation. See Exhibit "A"

See Exhibit "B" Credit History

As can be verified in this Credit History The Dept. of Corrections have not followed the Order of the Board to Restore ALL Credits. The N.D.O.C has Cited that the Period of 8/22/2019 to 4/16/2020 is an Absconding timeframe and Johnson is not entitled to these Credits.

This is Unlawful and egregious Overstepping of boundaries. Nowhere in the Nevada Revised Statutes is the Authority granted to Dept. of Corrections to Establish Absconding Periods on behalf of the Parole Board.

With it being Accepted that NRS 213.15185 is the Governing Statute for Parolees Credits And the Evidence in the form of Exhibits Showing that Johnson WAS Never Deemed/Considered An "Escaped Prisoner" by the Parole Board; And that the Board Never Established, Specified, determined, OR Authorized this forfeiture of 8/22/2019 to 4/16/2020 time Period it CAN only be Ruled And Ordered that the Dept. of Corrections Recalculate And Restore this Period of time to Johnson's term of Imprisonment OR Order the Parole Board to Reinstate Johnson's Parole And Conduct Another Revocation Hearing.
* SEE Exhibit "C" Certification of Action Parole Revocation Hearing 6/25/2019 *
This Certification of Action from 6/25/2019 is Newly Acquired Evidence being Submitted to Show And Illustrate to Court And Respondents what A Parole Board Established Period of Abscond looks like. As CAN be seen Next to the Word Absconder is Yes Signifying that Parolee is Guilty of Absconding. Next The "Stop Date" reflects 7/10/2017 And the "RESTART Date" is 4/29/2019. Signifying that the Board determined Johnson WAS An Absconder From 7/16/2017 to 4/29/2019 And that Per NRS 213.15185(4) he is not Entitled to Credit for that Period of time.
This is Stat credits being Forfeited property And

In Conformity with NRS 213.1518S.
The Respondents CAN Oppose but the Facts Speak from themselves When Viewing these two documents both Alleging the Same Exact Violation it is Obvious to the Naked Eye that these documents Are Indeed not the Same.

See Exhibits "D" & "E" Court Minutes For Case A-20-821716-W AND A-20-822586-W

Both Documents Conclude with "In Conformity with NRS. 213.1518S" This Reply and Exhibit "A" Prove definitively that NONE of what has transpired is In Conformity with NRS 213.1518S. Petitioner WAS "NEVER" BY PAROLE BOARD Deemed An "Escaped Prisoner" nor NO Timeframe or dates determined to say that this is time not to be Credit towards term of Imprisonment.

In fact Petitioner NOW Presents the Arguement that the Declaring / Deeming A Person An "Escaped Prisoner" is the Determining factor As to Whether NRS 213.1518S (1) (4) Apply to A Parolee or NOT.

Judge Joe Hardy Dept. 15 Concluded

that the Parole Board Must determine the dates that Parolee was an Absconder or "Escaped Prisoner" and will not receive Credit of that timeframe towards term of Imprisonment.

This Not Deeming Johnson as an Escaped Prisoner was not a typographical error, Not an Oversight, or Not a mistake. This Determination is in Black and White.

Further Proof of this Arguement lies in the FACT that the Warrant #44827 was "NOT ISSUED" until 6/01/2020.

This Retake Warrant which According to Parole Protocol to Stop a Parolee's time was issued 45 Days After Johnson was already in Custody. Johnson was Arrested and Booked into Clark County Detention Center on April 16, 2020.

The FACT proves that Parole Board could not have declared Johnson an Absconder since August 22, 2019 as Respondent Argued. If they did their Protocol at the time of Issuing Warrant was to Stop Petitioner's Parole and Restart it when Petitioner was back in Custody.

It's only logical to deduce that either the Parole Board did not intend for Johnson to be deemed an Escaped Prisoner, Or the Parole Board Neglected to follow Protocol And Procedure. Either way Petitioner is Not at fault and more importantly is the Factor that the Attorney General (Respondent) And Dept of Corrections Are Violating NRS.213.1518(2)

II Violation of NRS 213.1518(2)

NRS 213.1518 (2) A forfeiture may be ONLY Made by the BOARD After Proof of the Violation AND NOTICE to the Parolee.

This is further Evidence in form of Statute that Johnson's Credits were NOT forfeited in Conformity with ANY Aspect of Nevada Revised Statutes. Respondents Cannot Produce A Copy of this NOTICE because It does NOT Exist. Respondents Cannot Produce A Parole Board Determined Period of Absconding because it does Not Exist. Respondents Cannot Produce Anything where the Parole Board has declared Johnson As An Escaped Prisoner As they

Are Mandated by Statute to do if they
Are to determine A timeframe of Absconding
that will not be Considered As Credit towards
term of Imprisonment.

III Respondents Not Responding to Core Issue
And Misleading Court

Respondents Are Continually proving that
they Are Not Reading Johnson's Petitions
because Johnson has not Argued the Same
Arguement twice in Any Petition.
Case And Point is the Arguement Presented
in this "Reply" is predicated And based
on the Decision And Order inconsistencies in
Case No A-20-821716-W And A-20-822586-W.
This Arguement could not be made if the
Rulings were not declared.
Attorney General Samuels is Attempting to
hide behind "technicalities" rather than
deal with the Facts. Respondent is Aware
that Johnson's Arguements Are on the MERIT
And Continually Request For dismissal of
Petitioner's various Attempts At Relief.
It is not Johnson's fault that Respondents
Presented An Arguement to the Court, the
Court Accepted Arguement and the Evidence
Proves that the Arguement was more

favorable to Petitioner due to Parole Board NOT following Protocol, which does Constitute A DUE Process VIOLATION.

For the Respondents to threaten or even suggest that Johnson be Sanctioned for Presenting facts is Absurd.

Respondent Samuels is Attempting to have Johnson Double Punished for invoking his Right to Not having his liberty taken without Due Process of Law. Respondents Also are Cowering under the Umbrella of immunity granted to her Office/Station.

It is 100% fact that if Sanctions or Monetary Damages/Compensation Could be Sought by Petitioner this entire proceeding would be different.

It is NOT Right that only Petitioner is held At A Standard of Staying within the boundaries of the LAW.

Yes Petitioner has Filed different Petitions And Motions in different Courts. The one fact Remains "NOT ONE" has EVER Ruled Johnson's Arguements Are NOT Right or With MERIT. The Only ISSUES Johnson has Faced Is Not Exhausting All State Court Remedies For Federal Case, And there WAS one Not Filing In timely MANNER in Nevada Supreme Court

No Judge has once said Johnson's Arguements Are Wrong, Baseless, Not on Merits, OR Frivolous.

Procedurally Johnson may have erred because he is Not trained in the legal Process, however that does NOT Negate the TRUTH of his Arguement.

Conclusion

With threats of Sanctions And A definitive Need for Judicial Intervention Petitioner Johnson Prays Upon this Court to Order Oral Arguements so All Facts MAY be Presented And Closure be Made once And For All in this Matter.

Petitioner Also Prays of Court to Order Transport of Prisoner to Oral Arguement Hearing.

If Court determines Arguement Not Necessary And Rules based upon Evidence in this Reply Petition An Order of Immediate Restoration And Recalculation of Credit for the time Period of 8/22/2019 to 4/16/2020.

If Court sees fit An Order for the Parole Board to Reinstate Johnson's Parole and Redo entire Review

Docket 83568 Document 2021-29914

Corey Johnson 95007
Corey In Propria Personam
Post Office Box 650 [HDSP]
Indian Springs, Nevada 89018

DISTRICT COURT

CLARK COUNTY, NEVADA

Corey Johnson, ~~Plaintiff~~, PETITIONER

vs.

State of Nevada, Respondents.

Case No. A-20-821716-W

Dept. No. 24

~~Docket~~ Hearing Date: 8/31/2021

Time of Hearing: 9:00 AM

ORAL ARGUEMENT Requested

"Reply to Respondents Motion to Dismiss"
"Motion and Order to Transport Inmate to Oral Argument

COMES NOW, Corey Johnson Petitioner, herein above respectfully moves this Honorable Court for an Immediate Dismissal of Respondents Opposition. Declare Petitioner's Arguements are with MERIT and Order A Hearing With Oral Arguements to Settle this Case with Finality.

This Motion is made and based upon the accompanying Memorandum of Points and Authorities. All documents on file in this Case and NRS 213.15185(4); 213.1518(2)

DATED: this 19th day of July, 2021.

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

Petitioner Johnson humbly prays upon this Honorable Court to Dismiss Respondents Motion to Dismiss. The Respondents have proven now that they are Prosecuting in a "Malicious" manner and are showing no regard for the Nevada Revised Statutes, U.S. Constitution or the integrity of this Court or the Office in which they are employed.

The Respondents are attempting to bend the law so that it suits them and excludes Petitioner. The LAW if nothing else must be IMPARTIAL.

In this case what has and is continuing to happen is the Respondents Presented An Argument and it WAS Accepted by the Court and in Decision And Order wins Stand. This Decision And Order is Accepted As fact and the facts of it are now favorable to Petitioner because Proper Protocol and Procedure were not followed.

It is Not Petitioner's fault that Respondents Presented An Argument, but later is discovered that the Parole Board did NOT perform their duties in Conformity with NRS's.

This fact Alone warrants Petitioner's Continual Attempt to seek Justice and Relief.

Legal Arguement

Petitioner Johnson hereby request of this Honorable Court to Reopen Case Number A-20-821716-W based upon the Grounds of Correcting Manifest Errors of Law and fact And the Need to Prevent Manifest Injustice.

I. Forfeiture of Johnson's Credits For 8/22/2019 to 4/20/2020 were not in Conformity with NRS 213.15185(4)

NRS 213.15185(1) A prisoner who is paroled and leaves State without permission from the Board or who does not keep the Board informed to his location As required by the conditions of his Parole Shall be Deemed An "Escaped Prisoner" And Arrested As Such. NRS 213.15185(4) Except As Otherwise Provided in NRS 213.15187 the time A Person is An "Escaped Prisoner" is Not time served on his term of Imprisonment.

The Court Concluded in Decision And Order pg 2 of 5 lines 1-3 that Johnson was Reinstated back on Parole on June 25 2019 And was Pending Supervised Release on October 1 2019.

The Court further Concluded in Decision And Order pg 4 of 5 lines 22-25 that the Calculation of Statutory Credits for Parolees is governed by NRS 213.15185. Pursuant to NRS 213.15185 if A Parolee Absconded the "PAROLE BOARD"

will then Determine the "Dates" that the Parolee was An Absconder And Parolee will Not Receive Credit For the timeframe he Absconded.

The Respondants in their Opposition to Petitioner's Writ of Habeas Corpus used this Arguement And the Court Accepted this Arguement And MADE their Conclusion based upon this Factual Arguement.

Since the Courts Final Conclusion is based upon this Arguement VERBATIM it must be Accepted As Right And Exact and it must Apply to both the Petitioner And Respondent to be Viewed As Just. SEE Exhibit "A" Certification OF Action Parole Violation Hearing 7/7/2020

The Court Accepted And Concluded that NRS 213.1585 is the Governing Statute for Parolees Statuctory Credit, And it is Proven that Johnson was REINSTATED to Parole on 6/25/2019 so there is No doubt this Statute Applies to Johnson.

When Comparing Exhibit "A" to the NRS 213.1585 (1)(4) it is Clear that Johnson's Credits were (Unlawfully Forfeited).

1) The Parole Board NEVER DEEMED or DECLARED Johnson to be AN "ESCAPED PRISONER".

2) The Parole Board NEVER Established OR Specified A Specific Period of Abscond. In other Words The PAROLE Board NEVER Determined the Dates. The STOP And Restart Date Slots Are

Empty Signifying that No dates were determined, Specified, OR Established.

With these facts stated And verified with Exhibit "A" it is impossible to say that Johnson's Credits were properly forfeited or that the forfeiture is in Conformity with NRS 213.1518S.

The Parole Board when Preparing this Certification of Action Could have if it was their choice have labeled Johnson An "Escaped Prisoner" And Could have listed which dates they Chose As days of Abscond, however they opted Not to And it is within their discretion to do so. NRS 213.1518S (3)

The Parole Board Also within their DISCRETION RESTORED ALL of Johnson's Credits earned prior to date of Revocation. See Exhibit "A"

See Exhibit "B" Credit History

As Can be Verified in this Credit History The Dept. of Corrections have not followed the Order of the Board to Restore ALL Credits. The N.D.O.C has Cited that the Period of 8/22/2019 to 4/16/2020 Is An Absconding timeframe And Johnson is not entitled to these Credits.

This is Unlawful And egregious Overstepping of boundaries. Nowhere in the Nevada Revised Statutes is the Authority granted to Dept. of Corrections to Establish Absconding Periods on behalf of the Parole Board.

With it being Accepted that NRS 213.15185 is the Governing Statute for Paroles Credits. And the Evidence in the form of Exhibits showing that Johnson WAS Never Deemed/Considered An "Escaped Prisoner" by the Parole Board. And that the Board NEVER Established, Specified, determined, OR Authorized this forfeture of 8/22/2019 to 4/16/2020 time Period it CAN only be Ruled And Ordered that the Dept. of Corrections Recalculate And Restore this Period of time to Johnson's term of Imprisonment OR Order the Parole Board to Reinstate Johnson's Parole And Conduct Another Revocation Hearing.
*SEE Exhibit "C" Certification of Action Parole Revocation Hearing 6/25/2019 *
This Certification of Action from 6/25/2019 is Newly Acquired Evidence being Submitted to Show And Illustrate to Court And Respondents what A Parole Board Established Period of Absond looks like. As CAN be seen Next to the word Absconder is Yes Signifying that Parolee is Guilty of Absconding. Next The "Stop Date" reflects 7/10/2017 And the "RESTART Date" is 4/29/2019 Signifying that the Board determined Johnson WAS An Absconder from 7/10/2017 to 4/29/2019 And that Per NRS 213.15185(4) he is not Entitled to Credit for that Period of time.
This is Stat Credits being Forfeited properly And

In Conformity with NRS 213.15185.
The Respondents CAN Oppose but the facts Speak from themselves. When Viewing these two documents both Alleging the Same Exact Violation it is Obvious to the Naked Eye that these documents Are Indeed not the Same.

SEE Exhibits "D" & "E" Court Minutes For CASE A-20-821716-W AND A-20-822586-W

Both documents Conclude with "In Conformity with NRS. 213.15185" This Reply AND Exhibit "A" Prove definitively that NONE of what has transpired is In Conformity with NRS 213.15185. Petitioner WAS "NEVER" BY PAROLE BOARD Deemed AN "Escaped Prisoner" nor NO Timeframe or dates determined to say that this is time NOT to be Credit towards term of Imprisonment.
In fact Petitioner NOW Presents the Arguement that the Declaring / Deeming A Person AN "Escaped Prisoner" is the Determining factor AS to Whether NRS 213. 15185 (1) (4) Apply to A Parolee or NOT.

Judge Joe Hardy Dept. 15 Concluded

that the Parole Board Must determine the dates that Parolee WAS An Absconder or "Escaped Prisoner" And will Not Receive Credit of that timeframe towards term of Imprisonment.

This NOT Deeming Johnson As An Escaped Prisoner WAS not A typographical error, Not An Oversight, or NOT A mistake. This Determination is in Black And White.

Further Proof of this Arguement lies in the FACT that the Warrant #44827 WAS "NOT ISSUED" until 6/01/2020.

This Retake Warrant which According to Parole Protocol to Stop A Parolee's time WAS issued 45 Days After Johnson WAS Already in Custody. Johnson WAS Arrested And Booked into Clark's County Detention Center on April 16, 2020.

The FACT proves that Parole Board Could Not have declared Johnson An Absconder Since August 22, 2019 As Respondent Argued. If they Did their Protocol At the time of Issuing Warrant WAS to Stop Petitioner's Parole And Restact it when Petitioner WAS back in Custody.

It's only logical to deduce that either the Parole Board did not intend for Johnson to be deemed an Escaped Prisoner, Or the Parole Board Neglected to follow Protocol and Procedure. Either way Petitioner is Not at fault and more importantly is the Factor that the Attorney General (Respondent) And Dept of Corrections Are Violating NRS 213.1518(2)

II Violation of NRS 213.1518(2)

NRS 213.1518 (2) A forfeiture may ~~[redacted]~~ be ONLY Made by the BOARD After Proof of the Violation AND NOTICE to the Parolee.

This is further Evidence in form of Statute that Johnson's Credits were NOT forfeited in Conformity with ANY Aspect of Nevada Revised Statutes. Respondents Cannot Produce A Copy of this NOTICE because It does NOT Exist. Respondents Cannot Produce A Parole Board Determined Period of Absconding because It does Not Exist. Respondents Cannot Produce Anything where the Parole Board has declared Johnson As An Escaped Prisoner As they

Are Mandated by Statute to do if they
are to determine a timeframe of Absconding
that will not be Considered as Credit towards
term of Imprisonment.

III Respondents Not Responding to Core Issue
And Misleading Court

Respondents Are Continuelly proving that
they Are Not Reading Johnson's Petitions
because Johnson has not Argued the Same
Arguement twice in Any Petition.
Case And Point is the Arguement Presented
In this "REPLY" is Predicated And based
on the Decision And Order inconsistencies in
Case No A-20-821716-W And A-20-822586-W.
This Arguement Could not be made if the
Rulings were not declared.
Attorney General Samuels is Attempting to
hide behind "technicalities" rather than
deal with the Facts. Respondent is Aware
that Johnson's Arguements Are on the MERIT
And Continuelly Request for dismissal of
Petitioner's various Attempts At Relief.
It is not Johnson's fault that Respondents
Presented An Arguement to the Court, the
Court Accepted Arguement And the Evidence
Proves that the Arguement was more

favorable to Petitioner due to Parole Board NOT Following "Protocol" which does Constitute A DUE Process Violation.

For the Respondents to threaten or even suggest that Johnson be Sanctioned for Presenting facts is Absurd.

Respondent Samuels is Attempting to have Johnson Double Punished for invoking his Right to Not having his liberty taken without Due Process of Law. Respondents Also are Cowering under the Umbrella of immunity granted to her Office/Station.

It is 100% fact that if Sanctions or Monetary Damages/Compensation could be Sought by Petitioner this entire Proceeding would be different.

It is Not Right that only Petitioner is held At A Standard of Staying within the boundaries of the Law.

Yes Petitioner has Filed different Petitions and Motions in different Courts. The one Fact Remains "NOT ONE" has EVER Ruled Johnson's Arguements are Not Right or With MERIT. The Only ISSUES Johnson has Faced is Not Exhausting All State Court Remedies for Federal Case, And there was one Not Filing in Timely MANNER in Nevada Supreme Court

No Judge has once said Johnson's Arguements Are Wrong, Baseless, Not on Merit, OR Frivolous.

Procedurally Johnson may have erred because he is Not trained in the legal Process, however that does Not Negate the TRUTH of his Arguement.

Conclusion

With threats of Sanctions And A definitive Need for Judicial Intervention Petitioner Johnson Prays Upon this Court to Order Oral Arguements so All Facts May be Presented And Closure be Made once And For All in this MATTER.

Petitioner Also Prays of Court to Order Transport of Prisoner to Oral Arguement Hearing.

If Court determines Arguement Not Necessary and Rules based upon Evidence in this Reply Petition An Order of Immediate Restoration And Recalculation of Credit for the time Period of 8/22/2019 to 4/16/2020.

If Court sees fit An Order for the Parole Board to REInstate Johnson's Parole and Redo entire Revocation

Process in Conformity with Due Process
Mandates. It must be Considered that
over 1 year has elapsed And the facts
Are not still fresh in Parole Boards
Memory which can be Considered A Violation
of Due Process Also.
A Declaration Need be Ordered that the
Parole Board MUST Officially have
Declared or Established timeframe for
forfeiture to be in Conformity with NRS 213.15/85

These Orders Must be Granted by this
Honorable Court to Prevent further
Manifest Injustice.

As it currently stands Johnson is not
receiving Credits he is entitled to And/or
is being Punished by Dept. of Corrections,
Division of Parole And Probation, Board of
Parole Commissioners, And Attorney General for
an error or Oversight that was made
by Someone or Something outside of his
Control.

Respectfully Submitted

Electronically Filed
11/25/2020 5:15 PM
CLERK OF THE COURT

DAO

DISTRICT COURT

CLARK COUNTY, NEVADA

COREY JOHNSON, Petitioner, vs. STATE OF NEVADA, Respondents.	Case No. A-20-821716-W Dept. No. XV

DECISION AND ORDER

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

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

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

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

EXHIBIT 1

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

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

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

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

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

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

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

WHEREFORE THE COURT FURTHER CONCLUDES that the calculation of statutory credit for parolees is governed by NRS 213. 15185. Pursuant to NRS 213.15185, if a parolee absconded, the parole board will then determine the dates that the parolee was an absconder and the parolee will not receive credit for the timeframe he absconded. In this case, the parole board determined that on two separate occasions that Mr. Johnson had absconded from supervision while paroled. Specifically, Mr. Johnson absconded in July 2017 and was arrested in April 2019 and absconded again in August 2019 and was arrested in April 2020. Because Mr. Johnson absconded during those timeframes, he is not entitled

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

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

IT IS SO ORDERED this _____ day of _____

Dated this 25th day of November, 2020

The Honorable Joe Hardy
District Court Judge

73A 955 E844 A689
Joe Hardy
District Court Judge

Submitted by:

AARON D. FORD
Attorney General

/s/ Katrina A. Samuels
Katrina A. Samuels (Bar No. 13394)
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)
264364	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

Exempted Prisoner? No Stop Date: Restart Date: X

JOHNSON WAS Never Deemed An ESCAPED PRISONER therefore his time Continuitly Ran

CHARGES, PLEAS and FINDINGS

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 parolees' ☐1st ☐2nd ☐3rd ☐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: EXP	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 ALL credits
	No Action Taken:	

Evidence Relied Upon:

Guilty Plea (where applicable)

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

Name of P&P Division Representative: Officer Stankus

Names of Parole Board Panel Members Present: Christiansen, Deriggo, 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 ABSCONDED SUPERVISION FOR MORE THAN 60 DAYS AND WALKED AWAY FROM HALFWAY HOUSE

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

FOR THE NEVADA BOARD OF PAROLE COMMISSIONER

PV-Blank- ver-7 1-2019

Exhibit "A"

Exhibit B

Offender: JOHNSON, COREY - 0000095007

Sentence: 1 Count: 1

Current Earned Expiration Date: 11/04/2024

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
263976	10/14/2010	248	02/08/2010	20y 0m 0d	7305	02/07/2015	10/24/2022	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
03/01/2019	03/31/2019	WORK	0	No Comment	2036
04/01/2019	04/13/2019	FISCAL	0	No Comment	2036
04/01/2019	04/13/2019	FLAT	0	No Comment	2036
04/01/2019	04/13/2019	STAT	0	No Comment	2036
04/01/2019	04/13/2019	WORK	0	No Comment	2036
04/14/2019	04/30/2019	FLAT	17	No Comment	2019
04/14/2019	04/30/2019	STAT	6	No Comment	2013
04/14/2019	04/30/2019	WORK	12	No Comment	2001
05/01/2019	05/31/2019	FLAT	31	No Comment	1970
05/01/2019	05/31/2019	STAT	10	No Comment	1960
05/01/2019	05/31/2019	WORK	20	No Comment	1940
06/01/2019	06/30/2019	FLAT	30	No Comment	1910
06/01/2019	06/30/2019	STAT	10	No Comment	1900
06/01/2019	06/30/2019	WORK	0	OTIS credits for 05/2019	1900
07/01/2019	07/31/2019	FLAT	31	No Comment	1869
07/01/2019	07/31/2019	STAT	10	No Comment	1859
07/01/2019	07/31/2019	WORK	20	No Comment	1839
08/01/2019	08/21/2019	FLAT	21	No Comment	1818
08/01/2019	08/21/2019	STAT	7	No Comment	1811
08/01/2019	08/31/2019	WORK	14	No Comment	1797
08/22/2019	08/31/2019	FISCAL	0	No Comment	1797
08/22/2019	08/31/2019	FLAT	0	No Comment	1797
08/22/2019	08/31/2019	STAT	0	No Comment	1797
09/01/2019	09/30/2019	FISCAL	0	No Comment	1797
09/01/2019	09/30/2019	FLAT	0	No Comment	1797
09/01/2019	09/30/2019	STAT	0	No Comment	1797
09/01/2019	09/30/2019	WORK	0	No Comment	1797
10/01/2019	10/31/2019	FISCAL	0	No Comment	1797
10/01/2019	10/31/2019	FLAT	0	No Comment	1797
10/01/2019	10/31/2019	STAT	0	No Comment	1797
10/01/2019	10/31/2019	WORK	0	No Comment	1797
11/01/2019	11/30/2019	FISCAL	0	No Comment	1797
11/01/2019	11/30/2019	FLAT	0	No Comment	1797
11/01/2019	11/30/2019	STAT	0	No Comment	1797
11/01/2019	11/30/2019	WORK	0	No Comment	1797
12/01/2019	12/31/2019	FISCAL	0	No Comment	1797
12/01/2019	12/31/2019	FLAT	0	No Comment	1797
12/01/2019	12/31/2019	STAT	0	No Comment	1797
12/01/2019	12/31/2019	WORK	0	No Comment	1797
01/01/2020	01/31/2020	FISCAL	0	No Comment	1797
01/01/2020	01/31/2020	FLAT	0	No Comment	1797
01/01/2020	01/31/2020	STAT	0	No Comment	1797
01/01/2020	01/31/2020	WORK	0	No Comment	1797

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

Exhibit B

Exhibit B

Exhibit B

Offender JOHNSON, COREY 00009507

Sentence 1 Count 1

Current Earned Expiration Date: 11/04/2024

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	FEXD	Status
2639Z6	10/14/2010	248	02/08/2010	20y 0m 0d	7305	02/07/2015	10/24/2022	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
02/01/2020	02/29/2020	FISCAL	0	No Comment	1797
02/01/2020	02/29/2020	FLAT	0	No Comment	1797
02/01/2020	02/29/2020	STAT	0	No Comment	1797
02/01/2020	02/29/2020	WORK	0	No Comment	1797
03/01/2020	03/31/2020	FISCAL	0	No Comment	1797
03/01/2020	03/31/2020	FLAT	0	No Comment	1797
03/01/2020	03/31/2020	STAT	0	No Comment	1797
03/01/2020	03/31/2020	WORK	0	No Comment	1797
04/01/2020	04/20/2020	FISCAL	0	No Comment	1797
04/01/2020	04/20/2020	FLAT	0	No Comment	1797
04/01/2020	04/20/2020	STAT	0	No Comment	1797
04/01/2020	04/20/2020	WORK	0	No Comment	1797
04/21/2020	04/30/2020	FISCAL	7	No Comment	1790
04/21/2020	04/30/2020	FLAT	10	No Comment	1780
04/21/2020	04/30/2020	STAT	4	No Comment	1776
04/21/2020	04/30/2020	WORK	4	No Comment	1772
05/01/2020	05/31/2020	FISCAL	20	No Comment	1762
05/01/2020	05/31/2020	FLAT	31	No Comment	1721
05/01/2020	05/31/2020	STAT	10	No Comment	1741
05/01/2020	05/31/2020	WORK	10	No Comment	1701
06/01/2020	06/30/2020	FISCAL	0	OTIS cradle for 05/2020	1703
06/01/2020	06/30/2020	FLAT	30	No Comment	1671
06/01/2020	06/30/2020	STAT	10	No Comment	1661
06/01/2020	06/30/2020	WORK	0	OTIS cradle for 05/2020	1661
07/01/2020	07/06/2020	FISCAL	4	No Comment	1657
07/01/2020	07/06/2020	FLAT	6	No Comment	1651
07/01/2020	07/06/2020	STAT	2	No Comment	1648
07/01/2020	07/31/2020	WORK	0	Reduction for not working	1649
07/07/2020	07/31/2020	FLAT	25	No Comment	1624
07/07/2020	07/31/2020	STAT	17	No Comment	1607
08/01/2020	08/31/2020	FLAT	31	No Comment	1576
08/01/2020	08/31/2020	STAT	20	No Comment	1556
08/01/2020	08/31/2020	WORK	0	Reduction for not working	1556
09/01/2020	09/30/2020	FLAT	30	No Comment	1526
09/01/2020	09/30/2020	STAT	20	No Comment	1506
09/01/2020	09/30/2020	WORK	10	No Comment	1486
10/01/2020	10/31/2020	FLAT	31	No Comment	1465
10/01/2020	10/31/2020	STAT	20	No Comment	1445
10/01/2020	10/31/2020	WORK	10	No Comment	1435
11/01/2020	11/30/2020	FLAT	30	No Comment	1405
11/01/2020	11/30/2020	STAT	20	No Comment	1385
11/01/2020	11/30/2020	WORK	10	No Comment	1375
12/01/2020	12/31/2020	FLAT	31	No Comment	1344

The PED is the Projected Expiration Date, use such is a projected date, and should only be considered an approximation of the actual release date. When NODC start have determined the actual release date the citations's release counselor will be notified. Entries in blue are future credits that have not been earned yet

OSM Report Name: Credit/SDV/SentRpt

Run Date: Thu Oct 06 15:56:22 PDT 2022

WHITE-Board File
CANARY-Parolee/Inmate
PINK-Parole & Probation
GOLDENROD-NDOC

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

JOHNSON, COREY B	95007	2010-054264	HDSP-U1-B-25-A	06/25/2019
INMATE NAME	NDOC NUMBER	BOOKING#	LOCATION	DATE

Affected Sentences (Controlling sentence denoted by *)
263976;1;HABITUAL CRIMINAL (LESSER)
260737;1;HABITUAL CRIMINAL (LESSER)
264344;1;HABITUAL CRIMINAL (LESSER)

Warrant # 41364 Warrant Date 07/10/2017 Arrest Date: 04/14/2019

Was the PI Hearing conducted or waived? Waived Was the notice of rights executed? Yes

Counsel Type: Retained / Public Defender Represented By: Richards

Absconder Yes / Pending Stop Date: 07/10/2017 Restart Date: 04/29/2019

CHARGES, PLEAS and FINDINGS

Charges	Parolee Plea	Board Finding	Other Action
Reporting	Guilty / Not Guilty	Guilty / Not Guilty	
Directives	Guilty / Not Guilty	Guilty / Not Guilty	
Residence	Guilty / Not Guilty	Guilty / Not Guilty	
Conduct	Guilty / Not Guilty	Guilty / Not Guilty	
Employment/Program	Guilty / Not Guilty	Guilty / Not Guilty	
Financial Obligations	Guilty / Not Guilty	Guilty / Not Guilty	
Controlled Substances	Guilty / Not Guilty	Guilty / Not Guilty	Withdrawn by P&P
Out-of-state Travel	Guilty / Not Guilty	Guilty / Not Guilty	
Laws	Guilty / Not Guilty	Guilty / Not Guilty	Withdrawn by P&P

ACTION (indicate one):

	Parole is revoked to: _____	**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.**
√	**Continue on Parole:** ___ Immediately X Upon Plan Approval X At Date 10/01/2019 **Parole Credit Forfeiture:**	**WARRANT IS QUASHED.** Parole is continued with the same conditions unless specified as follows: Must sign NVS standard conditions. Complete substance Abuse Eval within 14 days of release of NDOC. Intensive Supervision with electronic Supervision not to exceed 180 days-Pay previous Restitution The Board orders the forfeiture of 90 credits earned while on parole for having been found guilty of a violation of parole.
	No Action Taken	

Evidence Relied Upon:

X Guilty Plea (where applicable)
X Report of P&P: Violation Report dated 6/28/2017; Supplemental Violation Report dated 4/15/2019, 5/03/2019
X Police Report: LVMPD Temporary Custody Record 4/29/2019; Declaration of Warrant Summons 9/27/2018
X Police Report: CCDC Arrest Warrant Abstract 4/29/2019
X Police Report: DPS High Profile Event Notification Form 5/03/2019; NDPS Property Report 5/18/2017
X Supervision Fee Report: P&P Statement of Subject Supervision Fee Account 5/15/2019
X Restitution Report: P&P Statement of Subject Restitution Account
X Other: Las Vegas Indian Center 5/05/2017, 18F18448X Register of Actions 5/15/2019; Court Minutes 5/01/2019
X Other: Multnomah County Sheriff's Office Fugitive Transport 4/14/2019, Circuit Court of the State of Oregon Waiver of Extradition 4/16/2019

Name of P&P Division Representative: Officer Stankus

Name of Parole Board Panel Members Present: Keeler, Christiansen, VIA Telephone De La Torre

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:

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

FOR THE NEVADA BOARD OF PAROLE COMMISSIONERS

PV-Blank- ver-4-4-2017

Exhibit "C"

COPY

A-20-821716-W

DISTRICT COURT
CLARK COUNTY, NEVADA

Writ of Habeas Corpus	COURT MINUTES	November 20, 2020

A-20-821716-W Corey Johnson, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

November 20, 2020 **Chambers** **Petition for Writ of Habeas Corpus**

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

COURT CLERK: Kristin Duncan

JOURNAL ENTRIES

- COURT ORDERED Petitioner's Petition for Writ of Habeas Corpus is hereby DENIED WITHOUT PREJUDICE, FINDING: (1) Petitioner violated the terms and conditions of his parole by absconding; (2) Petitioner was afforded due process during his preliminary hearing and parole violation hearing; and (3) Petitioner is not entitled to his original parole expiration date or the restoration of credits he earned during his absconding in conformity with NRS 213.15185.

CLERK'S NOTE: A copy of this minute order was e-mailed to: Allison Herr, DAG [aherr@ag.nv.gov] and Rikki Garate, DAG [rgarate@ag.nv.gov]. A copy of this minute order was mailed to: Corey Johnson #95007 [High Desert State Prison P.O. Box 650 Indian Springs, NV 89070]. (KD 11/23/2020)

A-20-822586-W

DISTRICT COURT
CLARK COUNTY, NEVADA

Writ of Habeas Corpus	COURT MINUTES	December 11, 2020

A-20-822586-W Corey Johnson , Plaintiff(s)
vs.
Nevada State of, Defendant(s)

December 11, 2020 **Chambers** **Petition for Writ of Habeas Corpus**

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

COURT CLERK: Kristin Duncan

JOURNAL ENTRIES

- COURT ORDERED Petitioner's Petition for Writ of Habeas Corpus is hereby DENIED WITHOUT PREJUDICE, FINDING: (1) Petitioner violated the terms and conditions of his parole by absconding; and (2) Petitioner is not entitled to his original parole expiration date or the restoration of credits he earned during his absconding in conformity with NRS 213.15185.

CLERK'S NOTE: A copy of this minute order was e-mailed to: Allison Herr, DAG [aherr@ag.nv.gov] and Rikki Garate, DAG [rgarate@ag.nv.gov]. A copy of this minute order was mailed to: Corey Johnson #95007 [High Desert State Prison P.O. Box 650 Indian Springs, NV 89070]. (KD 12/14/2020)

Electronically Filed
08/04/2021
CLERK OF THE COURT

Corey Johnson 95007
Corey J. In Propria Personam
Post Office Box 650 [HDSP]
Indian Springs, Nevada 89018

DISTRICT COURT

CLARK COUNTY, NEVADA

Corey Johnson,
~~Plaintiff~~, Petitioner

vs.

State of Nevada,
Respondents.

Case No. A-20-821716-W
Dept. No. 24
~~Docket~~ Hearing Date: 8/31/2021
Time of Hearing: 9:00 AM
ORAL ARGUEMENT Requested

"Reply to Respondents Motion to Dismiss"
"Motion And Order to Transport Inmate to Oral Arguement

COMES NOW, Corey Johnson Petitioner herein above respectfully moves this Honorable Court for an Immediate Dismissal of Respondents Opposition, Declare Petitioner's Arguements are With Merit and Order A Hearing With Oral Arguements to Settle this Case with Finality.

This Motion is made and based upon the accompanying Memorandum of Points and Authorities.

All documents on File In this Case and NRS 213.15185 (4), 213.1518(2)

DATED: this 19th day of July, 2021.

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

RECEIVED
JUL 28 2021
CLERK OF THE COURT

Petitioner Johnson humbly prays upon this Honorable Court to Dismiss Respondents Motion to Dismiss. The Respondents have proven now that they are prosecuting in a "Malicious" manner and are showing no regard for the Nevada Revised Statutes, U.S. Constitution or the integrity of this Court or the Office in which they are employed.

The Respondents are attempting to bend the law so that it suits them and excludes Petitioner. The LAW if nothing else must be IMPARTIAL.

In this case what has and is continuing to happen is the Respondents presented an Arguement and it was accepted by the Court, and a Decision and Order was issued. This Decision and Order is accepted as fact and the facts of it are now favorable to Petitioner because Proper Protocol and Procedure were not followed.

It is not Petitioner's fault that Respondents presented an Arguement, but later is discovered that the Parole Board did NOT perform their duties in Conformity with NRS's.

This fact alone warrants Petitioner's continual Attempt to seek Justice and Relief.

Legal Arguement

Petitioner Johnson hereby request of this Honorable Court to Reopen Case Number A-20-821716-W based upon the Grounds of Correcting Manifest Errors of Law and fact And the Need to Prevent Manifest Injustice.

I. Forfeiture of Johnson's Credits For 8/22/2019 to 4/20/2020 were not in Conformity with NRS 213.15185(4)

NRS 213.15185(1) A Prisoner who is Paroled and leaves State without permission from the Board or who does not keep the Board informed to his location As required by the conditions of his Parole Shall be Deemed an "Escaped Prisoner" and Arrested As Such. NRS 213.15185(4) Except As Otherwise Provided in NRS 213.15187 the time A Person is An "Escaped Prisoner" is Not time served on his term of Imprisonment.

The Court Concluded in Decision And Order pg 2 of 5 lines 1-3 that Johnson was Reinstated back on Parole on June 25 2019 And was pending Supervised Release on October 1 2019.

The Court further Concluded in Decision And Order pg 4 of 5 lines 22-25 that the Calculation of Statutory Credits for Parolees is governed by NRS 213.15185. Pursuant to NRS 213.15185 if A Parolee Absconded the "PAROLE BOARD"

will then Determine the "Dates" that the Parolee was An Absconder And Parolee will Not Receive Credit For the timeframe he Absconded.

The Respondants in their Opposition to Petitioner's Writ of Habeas Corpus used this Arguement And the Court Accepted this Arguement And MADE their Conclusion based upon this Factual Arguement.

Since the Courts Final Conclusion is based upon the Arguement VERBATIM it must be Accepted As Right And Exact and it must Apply to both the Petitioner And Respondent to be viewed As Just. SEE Exhibit "A" Certification of Action Parole Violation Hearing 7/7/2020

The Court Accepted And Concluded that NRS 213.1515 Is the Governing Statute for Parolees Statutory Credit, And it is Proven that Johnson was REINSTATED to Parole on 6/25/2019 so there is No doubt this Statute Applies to Johnson.

When Comparing Exhibit "A" to the NRS 213.1515 (1)(4) it is Clear that Johnson's Credits were Unlawfully Forfeited.

1) The Parole Board NEVER Deemed or Declared Johnson to be An "ESCAPED PRISONER".

2) The Parole Board NEVER Established OR Specified A Specific Period of Abscond. In other Words The Parole Board NEVER Determined the Dates. The STOP And Restart Date Slots Are

Empty Signifying that No dates were determined, Specified, or Established.

With these facts Stated And verified with Exhibit "A" it is impossible to say that Johnson's Credits were properly forfeited or that the forfeiture is in Conformity with NRS 213.15185.

The Parole Board when Preparing this Certification of Action Could have if it was their Choice have labeled Johnson An "Escaped Prisoner" And Could have listed which dates they Chose As days of Abscond, however they opted Not to And it is within their discretion to do so. NRS 213.15185(3)

The Parole Board Also within their Discretion RESTORED ALL of Johnson's Credits earned prior to date of Revocation. See Exhibit "A"

See Exhibit "B" Credit History

As can be verified in this Credit History The Dept. of Corrections have not followed the Order of the Board to Restore ALL Credits. The N.D.O.C has Cited that the Period of 8/22/2019 to 4/16/2020 is An Absconding timeframe And Johnson is not entitled to these Credits.

This is Unlawful And egregious Overstepping of boundaries. Nowhere in the Nevada Revised Statutes is the Authority granted to Dept. of Corrections to Establish Absconding Periods on behalf of the Parole Board.

With it being Accepted that NRS 213.1585 is the Governing Statute for Parolees Credits And the Evidence in the form of Exhibits showing that Johnson was Never Deemed/Considered An "Escaped Prisoner" by the Parole Board; And that the Board NEVER Established, Specified, determined, OR Authorized this forfeiture of 8/22/2019 to 4/16/2020 time Period it Can only be Ruled And Ordered that the Dept. Of Corrections Recalculate And Restore this Period of time to Johnson's term of Imprisonment OR Order the Parole Board to Reinstate Johnson's Parole And Conduct Another Revocation Hearing.

*SEE Exhibit "C" Certification of Action Parole Revocation Hearing 6/25/2019 *

This Certification of Action from 6/25/2019 is Newly Acquired Evidence being Submitted to Show And Illustrate to Court And Respondents what A Parole Board Established Period of Absond looks like. As Can be Seen Next to the Word Absconder is Yes Signifying that Parolee is Guilty of Absconding. Next The "Stop Date" reflects 7/10/2017 And the "RESTART Date" is 4/29/2019 Signifying that the Board determined Johnson WAS An Absconder From 7/10/2017 to 4/29/2019 And that Per NRS 213.1585(4) he is not Entitled to Credit for that Period of time.

This is Stat Credits being Forfeited properly And

In Conformity with NRS 213.15185.
The Respondents CAN Oppose but the facts Speaks from themselves. When Viewing these two documents both Alleging the Same Exact Violation it is Obvious to the Naked Eye that these documents Are Indeed not the same.

SEE Exhibits "D" & "E" Court Minutes For Case A-20-821716-W And A-20-822586-W

Both Documents Conclude with "In Conformity with NRS. 213.15185" This Reply And Exhibit "A" Prove definitively that NONE of what has transpired is In Conformity with NRS 213.15185. Petitioner WAS "NEVER" BY PAROLE BOARD Deemed An "Escaped Prisoner" nor NO Timeframe or dates determined to say that this is time not to be Credit towards term of Imprisonment.
In fact Petitioner NOW Presents the Arguement that the Declaring / Deeming A Person An "Escaped Prisoner" is the Determining Factor As to whether NRS 213. 15185 (1) (4) Apply to A Parolee or NOT.

Judge Joe Hardy Dept. 15 Concluded

that the Parole Board Must determine the dates that Parolee was An Absconder or "Escaped Prisoner" And will Not Receive Credit of that time frame towards term of Imprisonment.

This Not Deeming Johnson As An Escaped Prisoner was not A typographical error, Not An Oversight, or NOT A mistake. This Determination is in Black And White.

Further Proof of this Arguement lies in the FACT that the Warrant #44827 was "NOT ISSUED" until 6/01/2020.

This Retake Warrant which According to Parole Protocol to Stop A Parolee's time was issued 45 Days After Johnson was Already in Custody. Johnson was Arrested And Booked into Clark County Detention Center on April 16, 2020.

The Fact Proves that Parole Board Could Not have declared Johnson An Absconder Since August 22, 2019 As Respondent Argued. If they did their Protocol At the time of Issuing Warrant was to Stop Petitioner's Parole And Restart it when Petitioner was back in Custody.

It's only logical to deduce that either the Parole Board did not intend for Johnson to be deemed an Escaped Prisoner or the Parole Board Neglected to follow Protocol And Procedure. Either way Petitioner is Not At Fault And more importantly is the factor that the Attorney General (Respondent) And Dept of Corrections Are Violating NRS 213.1518(2)

II Violation of NRS 213.1518(2)

NRS 213.1518(2) A forfeiture MAY ~~[redacted]~~ be ONLY Made by the BOARD After Proof of the Violation AND NOTICE to the Parolee.

This is further Evidence in form of Statute that Johnson's Credits were NOT forfeited in Conformity with ANY Aspect of Nevada Revised Statutes. Respondents Cannot Produce A Copy of this NOTICE because It does NOT Exist. Respondents Cannot Produce A Parole Board Determined Period of Absconding because it does Not Exist. Respondents Cannot Produce Anything where the Parole Board has declared Johnson As An Escaped Prisoner As they

Are Mandated by Statute to do if they Are to determine A Timeframe OF Absconding that will not be Considered As Credit towards term of Imprisonment.

III Respondents Not Responding to Core Issue And Misleading Court.

Respondents Are Continuelly proving that they Are Not Reading Johnson's Petitions because Johnson has not Argued the Same Arguement twice in ANY Petition.

Case And Point is the Arguement Presented in this "REPLY" is Predicated And based on the Decision And Order inconsistencies in Case No A-20-821716-W And A-20-822586-W. This Arguement Could Not be made if the Rulings Were Not declared.

Attorney General Samuels is Attempting to hide behind "technicalities" Rather than Deal with the Facts. Respondent is AWARE that Johnson's Arguements Are on the MERIT And Continuelly Request For dismissal OF Petitioner's VARIOUS Attempts At Relief.

It is not Johnson's FAULT that Respondents Presented An Arguement to the Court, the Court ACCEPTED Arguement And the Evidence Proves that the Arguement WAS more

favorable to Petitioner due to Parole Board NOT Following Protocol, which does Constitute A DUE Process Violation.

For the Respondents to threaten or even suggest that Johnson be Sanctioned for Presenting facts is Absurd.

Respondent Samuels is Attempting to have Johnson Double Punished for invoking his Right to Not having his liberty taken without Due Process of Law. Respondents Also are Cowering under the Umbrella of immunity granted to her Office/Station.

It is 100% fact that if Sanctions or Monetary damages/Compensation could be Sought by Petitioner this entire Proceeding would be different.

It is Not Right that only Petitioner is held At A Standard of Staying within the boundaries of the Law.

Yes Petitioner has filed different Petitions And Motions in different Courts. The one Fact Remains "NOT ONE" has EVER Ruled Johnson's Arguements Are Not Right or With MERIT. The Only ISSUES Johnson has Faced Is Not Exhausting All State Court Remedies for Federal Case, And there was one Not Filing In Timely MANNER In Nevada Supreme Court

No Judge has once said Johnson's Arguements Are Wrong, Baseless, Not on Merit, OR Frivolous.

Procedurally Johnson MAY have erred because he is Not trained in the legal Process, however that does NOT Negate the TRUTH of his Arguement.

Conclusion

With threats of Sanctions AND A definitive Need for Judicial Intervention Petitioner Johnson Prays upon this Court to Order Oral Arguements so All Facts MAY be Presented And Closure be Made once And For All in this MATTER.

Petitioner Also Prays of Court to Order Transport of Prisoner to Oral Arguement Hearing.

If Court determines Arguement Not Necessary and Rules based upon Evidence in this Reply Petition An Order of Immediate Restoration AND Recalculation of Credit for the time Period of 8/22/2019 to 4/16/2020.

If Court sees Fit An Order For the Parole Board to Reinstate Johnson's Parole and Redo entire Revocation

Process in Conformity with Due Process Mandates. It must be considered that over 1 year has elapsed And the facts Are not Still fresh in Parole Boards Memory which can be Considered A Violation of Due Process Also.

A Declaration Need be Ordered that the Parole Board MUST Officially have Declared or Established timeframe for forfeiture to be in Conformity with NRS 213.15185

These Orders Must be Granted by this Honorable Court to Prevent further Manifest Injustice.

As it Currently stands Johnson is not Receiving Credits he is entitled to And/or is being Punished by Dept. of Corrections, Division of Parole And Probation, Board of Parole Commissioners, And Attorney General for An error or Oversight that was made by Someone or Something Outside of his Control.

Respectfully Submitted

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CLERK OF THE COURT

DAO

DISTRICT COURT

CLARK COUNTY, NEVADA

COREY JOHNSON, Petitioner, vs. STATE OF NEVADA, Respondents.	Case No. A-20-821716-W Dept. No. XV

DECISION AND ORDER

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

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

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

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

Exhibit 1

Statistically closed: USJR - CV - Summary Judgment (USS'

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

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

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

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

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

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

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

WHEREFORE THE COURT FURTHER CONCLUDES that the calculation of statutory credit for parolees is governed by NRS 213. 15185. Pursuant to NRS 213.15185, if a parolee absconded, the parole board will then determine the dates that the parolee was an absconder and the parolee will not receive credit for the timeframe he absconded. In this case, the parole board determined that on two separate occasions that Mr. Johnson had absconded from supervision while paroled. Specifically, Mr. Johnson absconded in July 2017 and was arrested in April 2019 and absconded again in August 2019 and was arrested in April 2020. Because Mr. Johnson absconded during those timeframes, he is not entitled

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

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

IT IS SO ORDERED this _____ day of _____

Dated this 25th day of November, 2020

The Honorable Joe Hardy
District Court Judge

73A 955 E844 A689
Joe Hardy
District Court Judge

Submitted by:

AARON D. FORD
Attorney General

/s/ Katrina A. Samuels
Katrina A. Samuels (Bar No. 13394)
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

Johnson WAS Never Deemed An Escaped Prisoner therefore his time Continuously Ran

Escaped Prisoner? No Stop Date: Return Date:

CHARGES, PLEAS and FINDINGS

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 Credits 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 ☐1st ☐2nd ☐3rd ☐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: EXP	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 ALL credits.
	No Action Taken:	

Evidence Relied Upon:

Guilty Plea (where applicable)

- X Report of P&P Violation Report dated 04/21/2020
- X Police Report: LVMPD Temporary Custody Record dated 04/16/2020
- X Police Report: LVMPD Declaration of Arrest Report dated 04/16/2020
- X Police Report: NDOC Escape Arrested dated 08/23/2019
- X Other: Email from Mark Rutledge dated 04/17/2020
- X Other: Justice Court Arrest Warrant dated 04/16/2020
- X Other: Register of Actions dated 05/03/2020

Name of P&P Division Representative: Officer Stanley

Names of Parole Board Panel Members Present: Christensen, Dericeo, 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 ESCAPED SUPERVISION FOR MORE THAN 60 DAYS AND WALKED AWAY FROM HALFWAY HOUSE

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

FOR THE NEVADA BOARD OF PAROLE COMMISSIONER

PV-Stnd- ver 7 12/19

Exhibit "A"

Exhibit B

Offender: JOHNSON, COREY - 0000095007 | Sentence: 1 | Count: 1

Current Earned Expiration Date: 11/04/2024

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
263976	10/14/2010	248	02/08/2010	20y 0m 0d	7305	02/07/2015	10/24/2022	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
03/01/2019	03/31/2019	WORK	0	No Comment	2036
04/01/2019	04/13/2019	FISCAL	0	No Comment	2036
04/01/2019	04/13/2019	FLAT	0	No Comment	2036
04/01/2019	04/13/2019	STAT	0	No Comment	2036
04/01/2019	04/13/2019	WORK	0	No Comment	2036
04/14/2019	04/30/2019	FLAT	17	No Comment	2019
04/14/2019	04/30/2019	STAT	6	No Comment	2013
04/14/2019	04/30/2019	WORK	12	No Comment	2001
05/01/2019	05/31/2019	FLAT	31	No Comment	1970
05/01/2019	05/31/2019	STAT	10	No Comment	1960
05/01/2019	05/31/2019	WORK	20	No Comment	1940
06/01/2019	06/30/2019	FLAT	30	No Comment	1910
06/01/2019	06/30/2019	STAT	10	No Comment	1900
06/01/2019	06/30/2019	WORK	0	OTIS credits for 06/2019	1900
07/01/2019	07/31/2019	FLAT	31	No Comment	1869
07/01/2019	07/31/2019	STAT	10	No Comment	1859
07/01/2019	07/31/2019	WORK	20	No Comment	1839
08/01/2019	08/21/2019	FLAT	21	No Comment	1818
08/01/2019	08/21/2019	STAT	7	No Comment	1811
08/01/2019	08/31/2019	WORK	14	No Comment	1797
08/22/2019	08/31/2019	FISCAL	0	No Comment	1797
08/22/2019	08/31/2019	FLAT	0	No Comment	1797
08/22/2019	08/31/2019	STAT	0	No Comment	1797
09/01/2019	09/30/2019	FISCAL	0	No Comment	1797
09/01/2019	09/30/2019	FLAT	0	No Comment	1797
09/01/2019	09/30/2019	STAT	0	No Comment	1797
09/01/2019	09/30/2019	WORK	0	No Comment	1797
10/01/2019	10/31/2019	FISCAL	0	No Comment	1797
10/01/2019	10/31/2019	FLAT	0	No Comment	1797
10/01/2019	10/31/2019	STAT	0	No Comment	1797
10/01/2019	10/31/2019	WORK	0	No Comment	1797
11/01/2019	11/30/2019	FISCAL	0	No Comment	1797
11/01/2019	11/30/2019	FLAT	0	No Comment	1797
11/01/2019	11/30/2019	STAT	0	No Comment	1797
11/01/2019	11/30/2019	WORK	0	No Comment	1797
12/01/2019	12/31/2019	FISCAL	0	No Comment	1797
12/01/2019	12/31/2019	FLAT	0	No Comment	1797
12/01/2019	12/31/2019	STAT	0	No Comment	1797
12/01/2019	12/31/2019	WORK	0	No Comment	1797
01/01/2020	01/31/2020	FISCAL	0	No Comment	1797
01/01/2020	01/31/2020	FLAT	0	No Comment	1797
01/01/2020	01/31/2020	STAT	0	No Comment	1797
01/01/2020	01/31/2020	WORK	0	No Comment	1797

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

Exhibit B

Exhibit B

Offender: JOHNSON, COREY - 0000095007 | Sentence: 1 | Count: 1

Current Earned Expiration Date: 11/04/2024

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
263976	10/14/2010	248	02/08/2010	20y 0m 0d	7305	02/07/2015	10/24/2022	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
02/01/2020	02/29/2020	FISCAL	0	No Comment	1797
02/01/2020	02/29/2020	FLAT	0	No Comment	1797
02/01/2020	02/29/2020	STAT	0	No Comment	1797
02/01/2020	02/29/2020	WORK	0	No Comment	1797
03/01/2020	03/31/2020	FISCAL	0	No Comment	1797
03/01/2020	03/31/2020	FLAT	0	No Comment	1797
03/01/2020	03/31/2020	STAT	0	No Comment	1797
03/01/2020	03/31/2020	WORK	0	No Comment	1797
04/01/2020	04/20/2020	FISCAL	0	No Comment	1797
04/01/2020	04/20/2020	FLAT	0	No Comment	1797
04/01/2020	04/20/2020	STAT	0	No Comment	1797
04/01/2020	04/20/2020	WORK	0	No Comment	1797
04/21/2020	04/30/2020	FISCAL	7	No Comment	1790
04/21/2020	04/30/2020	FLAT	10	No Comment	1780
04/21/2020	04/30/2020	STAT	4	No Comment	1776
04/21/2020	04/30/2020	WORK	4	No Comment	1772
05/01/2020	05/31/2020	FISCAL	20	No Comment	1762
05/01/2020	05/31/2020	FLAT	31	No Comment	1721
05/01/2020	05/31/2020	STAT	10	No Comment	1711
05/01/2020	05/31/2020	WORK	10	No Comment	1701
06/01/2020	06/30/2020	FISCAL	0	OTIS credits for 05/2020	1701
06/01/2020	06/30/2020	FLAT	30	No Comment	1671
06/01/2020	06/30/2020	STAT	10	No Comment	1661
06/01/2020	06/30/2020	WORK	0	OTIS credits for 05/2020	1661
07/01/2020	07/06/2020	FISCAL	4	No Comment	1657
07/01/2020	07/06/2020	FLAT	6	No Comment	1651
07/01/2020	07/06/2020	STAT	2	No Comment	1649
07/01/2020	07/31/2020	WORK	0	Reduction for not working	1649
07/07/2020	07/31/2020	FLAT	25	No Comment	1624
07/07/2020	07/31/2020	STAT	17	No Comment	1607
08/01/2020	08/31/2020	FLAT	31	No Comment	1576
08/01/2020	08/31/2020	STAT	20	No Comment	1556
08/01/2020	08/31/2020	WORK	0	Reduction for not working	1556
09/01/2020	09/30/2020	FLAT	30	No Comment	1526
09/01/2020	09/30/2020	STAT	20	No Comment	1506
09/01/2020	09/30/2020	WORK	10	No Comment	1496
10/01/2020	10/31/2020	FLAT	31	No Comment	1465
10/01/2020	10/31/2020	STAT	20	No Comment	1445
10/01/2020	10/31/2020	WORK	10	No Comment	1435
11/01/2020	11/30/2020	FLAT	30	No Comment	1405
11/01/2020	11/30/2020	STAT	20	No Comment	1385
11/01/2020	11/30/2020	WORK	10	No Comment	1375
12/01/2020	12/31/2020	FLAT	31	No Comment	1344

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

OSM Report Name: CreditListBySentRpt | Page 11 of 13 | Run Date: Thu Oct 08 15:56:22 PDT 2020

Exhibit B

WHITE-Board File
CANARY-Parolee/Inmate
PINK-Parole & Probation
GOLDENROD-NDOC

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

JOHNSON, COREY B	95007	2010-054264	HDSP-U1-B-25-A	06/25/2019
INMATE NAME	NDOC NUMBER	BOOKING#	LOCATION	DATE

Affected Sentences (Controlling sentence denoted by *)
263976;1;HABITUAL CRIMINAL (LESSER)
260737;1;HABITUAL CRIMINAL (LESSER)
264344;1;HABITUAL CRIMINAL (LESSER)

Warrant # 41364 Warrant Date 07/10/2017 Arrest Date: 04/14/2019

Was the PI Hearing conducted or waived? Waived Was the notice of rights executed? Yes

Counsel Type: Retained / Public Defender Represented By: Richards

Absconder Yes Tolling Stop Date: 07/10/2017 Restart Date: 04/29/2019

CHARGES, PLEAS and FINDINGS

Charges	Parolee Plea	Board Finding	Other Action
Reporting	Guilty / Not Guilty	Guilty / Not Guilty	
Directives	Guilty / Not Guilty	Guilty / Not Guilty	
Residence	Guilty / Not Guilty	Guilty / Not Guilty	
Conduct	Guilty / Not Guilty	Guilty / Not Guilty	
Employment/Program	Guilty / Not Guilty	Guilty / Not Guilty	
Financial Obligations	Guilty / Not Guilty	Guilty / Not Guilty	
Controlled Substances	Guilty / Not Guilty	Guilty / Not Guilty	withdrawn by P&P
Out-of-state Travel	Guilty / Not Guilty	Guilty / Not Guilty	
Laws	Guilty / Not Guilty	Guilty / Not Guilty	withdrawn by P&P

ACTION (indicate one):

	Parole is revoked to: _____.	**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.**
✓	**Continue on Parole:** ___ Immediately X Upon Plan Approval X At Date 10/01/2019 **Parole Credit Forfeiture:**	**WARRANT IS QUASHED.** Parole is continued with the same conditions unless specified as follows: Must sign new standard conditions. Complete substance Abuse Eval within 14 days of release of NDOC. Intensive Supervision with electronic supervision not to exceed 180 days. All previous conditions The Board orders the forfeiture of 0 credits earned while on parole for having been found guilty of a violation of parole.
	No Action Taken	

Evidence Relied Upon:

- X Guilty Plea (where applicable)
- X Report of P&P: Violation Report dated 6/28/2017; Supplemental Violation Report dated 4/15/2019, 5/03/2019
- X Police Report: LVMPD Temporary Custody Record 4/29/2019; Declaration of Warrant Summons 9/27/2018
- X Police Report: CCDC Arrest Warrant Abstract 4/29/2019
- X Police Report: DPS High Profile Event Notification Form 5/03/2019; NDPS Property Report 5/18/2017
- X Supervision Fee Report: P&P Statement of Subject Supervision Fee Account 5/15/2019
- X Restitution Report: P&P Statement of Subject Restitution Account
- X Other: Las Vegas Indian Center 5/05/2017, 18F18448X Register of Actions 5/15/2019; Court Minutes 5/01/2019
- X Other: Multnomah County Sheriff's Office Fugitive Transport 4/14/2019, Circuit Court of the State of Oregon Waiver of Extradition 4/16/2019

Name of P&P Division Representative: Officer Stankus

Name of Parole Board Panel Members Present: Keeler, Christiansen, VIA Telephone De La Torre.

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:

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

FOR THE NEVADA BOARD OF PAROLE COMMISSIONERS

PV-Blank- ver-4-4-2017

Exhibit "C"

COPY

A-20-821716-W

DISTRICT COURT
CLARK COUNTY, NEVADA

Writ of Habeas Corpus	COURT MINUTES	November 20, 2020

A-20-821716-W Corey Johnson, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

November 20, 2020 **Chambers** **Petition for Writ of Habeas Corpus**

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

COURT CLERK: Kristin Duncan

JOURNAL ENTRIES

- COURT ORDERED Petitioner's Petition for Writ of Habeas Corpus is hereby DENIED WITHOUT PREJUDICE, FINDING: (1) Petitioner violated the terms and conditions of his parole by absconding; (2) Petitioner was afforded due process during his preliminary hearing and parole violation hearing; and (3) Petitioner is not entitled to his original parole expiration date or the restoration of credits he earned during his absconding in conformity with NRS 213.15185.

CLERK'S NOTE: A copy of this minute order was e-mailed to: Allison Herr, DAG [aherr@ag.nv.gov] and Rikki Garate, DAG [rgarate@ag.nv.gov]. A copy of this minute order was mailed to: Corey Johnson #95007 [High Desert State Prison P.O. Box 650 Indian Springs, NV 89070]. (KD 11/23/2020)

A-20-822586-W

DISTRICT COURT
CLARK COUNTY, NEVADA

Writ of Habeas Corpus	COURT MINUTES	December 11, 2020

A-20-822586-W Corey Johnson , Plaintiff(s)
vs.
Nevada State of, Defendant(s)

December 11, 2020 **Chambers** **Petition for Writ of Habeas Corpus**

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

COURT CLERK: Kristin Duncan

JOURNAL ENTRIES

- COURT ORDERED Petitioner's Petition for Writ of Habeas Corpus is hereby DENIED WITHOUT PREJUDICE, FINDING: (1) Petitioner violated the terms and conditions of his parole by absconding; and (2) Petitioner is not entitled to his original parole expiration date or the restoration of credits he earned during his absconding in conformity with NRS 213.15185.

CLERK'S NOTE: A copy of this minute order was e-mailed to: Allison Herr, DAG [aherr@ag.nv.gov] and Rikki Garate, DAG [rgarate@ag.nv.gov]. A copy of this minute order was mailed to: Corey Johnson #95007 [High Desert State Prison P.O. Box 650 Indian Springs, NV 89070]. (KD 12/14/2020)

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FROM:

Corey Johnson 95009
HDSP
P.O. Box 650
Indian Springs NV 89070

TO:

Regional Justice Center
Attn Clerk of Court
200 Lewis Ave
Las Vegas NV 89155

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CLERK OF THE COURT

Corey Johnson 95007
Corey In Propria Personam
Post Office Box 650 [HDSP]
Indian Springs, Nevada 89018

DISTRICT COURT

CLARK COUNTY, NEVADA

Corey Johnson, ~~Plaintiff~~ Petitioner

vs.

State of Nevada, Respondents.

Case No. A-20-821716-W
Dept. No. 24
~~Date~~ Hearing Date: 8/25/2021
Time of Hearing: 8:30 A.M.

Response And Arguement Against Sanctions

COMES NOW, Corey Johnson Petitioner, herein above respectfully moves this Honorable Court for an Immediate Dismissal of Respondents Request for Sanctions And Grant Johnson's request/Petition for A Suspension or Vacating of Sentence

This Motion is made and based upon the accompanying Memorandum of Points and Authorities.

DATED: this 4th day of August, 2021.

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

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AUG 09 2021
CLERK OF THE COURT

Petitioner Johnson Hereby Request of this Honorable Court to dismiss Respondents seeking of Sanctions against Petitioner.

It is Clearly evident by the pleadings that Respondents plainly do not care about disregarding the Nevada Revised Statutes, have no desire to acquaint themselves with the facts of Johnson's particular situation, or this is a clear Attempt at underhandedly using legal Maneuvers to Coven a huge miscarriage of justice.

It is now to the point where it can't be asked anymore which of Johnson's Due Process was violated during process?, the question that now must be asked and addressed is which of Johnson's Due Process procedures did get followed and adhered to?

If the Court will allow Petitioner 10 minutes of the Court's time to present the law, the facts, the evidence it will be proven beyond any shadow of a doubt that Johnson is truly the victim and justice has been denied in the most egregious and horrific of ways.

While the Court is undoubtedly busy, Johnson would not continually petition the Court and beg for an audience if there was no definitive violation.

Johnson asks if he can't prove his rights were violated for Court to take all credit but if he proves case to relieve his burden.

Legal Arguement

Petitioner Johnson hereby comes before this Honorable Court to Present And Address A Number Of inconsistencies And errors that have been Made in Previous Proceedings And Have led to Numerous Due Process And Constitutional Violations.

The Respondents have Argued on Record that Petitioner has And is filing frivolous Motions however it is well within the Legal Right of Petitioner to seek Relief From the Court especially in Cases of Manifest Injustice And Error.

In Cases involving the loss of liberty, Property, and/or life the word "Frivolous" must be discarded As the Court is the Sole Entity that Can Grant Relief and in this Case Sort out instances of Contradiction and Errors in Interpretations of Law, And Most Importantly outright Disregard of the Law.

I. Parole Board NEVER DECLARED/DEEMED Johnson AS AN "Escaped Prisoner", NEVER determined Specific Dates or timeframe of Abscond

SEE Exhibit "1" Decision And Order Case No. A-20-821716-W Pg 4 OF 5 lines 22-25

Wherefore the Court Further Concludes that the

Calculation of Statutory Credit for Parolees is governed by NRS 213.15185. Pursuant to NRS 213.15185, if A Parolee absconded, the "PAROLE BOARD" will then determine the dates that the Parolee was an Absconder and the Parolee will not receive Credit for the timeframe he Absconded.

SEE Exhibit "2" Decision and Order Case No A-20-822586 Pg 3 of 6 lines 1-5

The Court Concluded that A Prisoner who is Paroled and leaves the State without permission from the Board or who does not keep the Parole Board informed as to his location shall be deemed an "ESCAPED Prisoner" and Arrested as Such. The Parole Board will then decide as to whether the Parolee did Abscond in Accordance with NRS 176A.630(5). If the Parolee Absconded, the Parole Board will then determine the dates that the Parolee was an Absconder and the Parolee will not receive Credit for the timeframe they Absconded.

NRS 213.15185(1) A Prisoner who is Paroled and leaves the State without Permission from the Board or who does not keep the Board informed as to his location as required by the Conditions of his Parole SHALL be DEEMED AN "ESCAPED PRISONER" AND ARRESTED AS SUCH.

NRS 213.15185(4) Except as otherwise provided in NRS 213.15187, the time a Person is an "ESCAPED PRISONER" is Not time served on his term of Imprisonment.

These Conclusions in (2) Seperate Case Numbers (A-20-821716-W and A-20-822582-W) were based on the Respondents Opposition to Petitioners Petitions for Writs of Habeas Corpus. This fact can be verified by simple Comparison and it will be seen that the Respondents Opposition and Courts Conclusion are VERBATIM! With this established it must be Accepted As Fact and legal Precedent that (1) NRS 213.1885 is the Governing Statute for the Calculation of Staustory Credits for Parolees (2) That if A Person does Not Keep the Parole Board informed of his location or leaves the State without Permission He will be Declared/Deemed an "Escaped Prisoner" And Arrested As Such (3) The time that A Person is An "Escaped Prisoner" is Not time Served On His term of Imprisonment. These Points Are Accepted as FACT.

See Exhibit "3" Certification of Action Parole Violation Hearing 7/7/2020

Exhibit "3" is Johnson's Certification of Action for his Parole Revocation Hearing Conducted on 7/7/2020. As When Viewing this document can be Plainly Verified The "Parole Board" NEVER DEEMED Johnson As An "Escaped Prisoner" And Neither did the Parole Board determine or Establish Any specific timeframe of Absconding.

It was Concluded twice that the Parole Board would determine the dates that A Parolee was an Absconder And that Parolee would not receive Credit for that time.

NRS 213.15185(4) Validates this Point by Clarifying that "The time a Person is An "Escaped Prisoner" is NOT time toward term of Imprisonment".

With this Conclusion Accepted And the Clarification of NRS 213.15185(4) Regarding who is Not entitled to Credit toward their time of Imprisonment it is 100% Clear that the Forfeiture of Johnson's Credits were Unlawful And not in Conformity with Nevada Revised Statutes.

The Next question must be Asked is "If the Parole Board NEVER determined or Established this Alleged timeframe of Abscond who did?" Then the question remains "Is Whomever that did determine this timeframe Authorized by Nevada Revised Statutes to lawfully do so?"

The Arguement now is Not if Johnson's Credits were lawfully Forfeited in Conformity with Nevada Revised Statutes, because it is UnArgueable that Since The Parole Board NEVER Declared Johnson As an Escaped Prisoner And the fact that the "Stop Date" And "Restart Date" Slots are void of Any Specific dates that Johnson is entitled to the Credits for the timeframe of 8/22/2019 to 4/21/2020

This Arguement is further supported by the fact that the Warrant No #44827 was NOT ISSUED until June 1st 2020 After Johnson was Already BACK in Custody. Which Constitutes 14th Amendment Due Process Violations.

SEE Exhibit 4

II. Dept. of Corrections And Attorney General Not Authorized to Determine Period of Absond for Parolee.

The Respondents And Court Arrived At SAme Conclusion that the "Parole Board" will determine the dates that Parolee Absconded And for those dates he will not receive the credit towards term of Imprisonment. This fact is based upon NRS 213.15185. However there is no Determined dates or no Deeming of Johnson As An "Escaped Prisoner" So Who Authorized the Dept. of Corrections to take it upon themselves to Declare A Specific time of Absond And not give Johnson the Credit that he is entitled? Nowhere in the Nevada Revised Statutes Authorize or Allow the Dept of Corrections Any Jurisdiction OVER Parolees.

The Nevada REVISED Statutes have Made It Perfectly Clear that Parolee's Are Under the Supervision And Jurisdiction of the Division of Parole And Probation for "Supervision" purposes And The "Parole Board" is Responsible for the Credit And Determining If An Offender Is Granted the Opportunity to Serve Sentence on Parole. The "Department" of Corrections is given the tasks of Supervising And Maintaing "Inmates".

Since Johnson was A Parolee As of June 25, 2019 it was the duty of the "Parole Board"

to determine the dates if any for timeframe of Abscond.

SEE Exhibit "5" Credit History

As can be verified in this Exhibit Johnson's Credits for the timeframe of 8/22/2019 to 4/21/2020 have been forfeited. Not only have they been forfeited they have been unlawfully forfeited. Johnson was not an Inmate during this Period because he was ~~not~~ revoked until 7/7/2020, therefore the determining of his Alleged Abscond was the responsibility of the Parole Board, and as Exhibit "3" validates the Parole Board never Specified any timeframe of Absconding.

The Dept of Corrections is Guilty of Violating Johnson's 8th Amendment Right to Protection from Cruel and Unusual Punishment in the form of Excessive Confinement.

There are (2) Factors that Parole Board MUST do in order to lawfully forfeit a Parolee's Credits. First they must Deem the Parolee as an "Escaped Prisoner", and then they Must determine the dates or timeframe that Parolee Absconded so that the proper Amount of time is Subtracted from Parolee's term of Imprisonment.

While the Respondents may argue that the Omitting of the dates is a Clerical error it must be taken into Consideration that the Board Answered the Question that precedes the determing of dates

And that question is Is Petitioner An "Escaped Prisoner" The Answer given by the Parole Board is NO! Since the Answer is NO there WAS/IS No Need to determine A Period of Absconed.

The LAW is Impartial And is equally Applicable to All Party's Involved. How CAN the Respondents Raise the Argument that NRS 213.1515 is the Governing Statute over Parolees Statutory Credit, have the Court to Not only Agree but base it's Conclusion on their Argument, And then when Petitioner Presents Evidence from the Parole Board itself still Argue Vehemently A point or Argument that does not Exist. The Respondents CANNOT have it both WAYS, IF they Argue that the Parole Board Must or will determine the dates or timeframe of Absconding, they must also Accept IF the Parole Board declines or has declined to forfeit A Parolees Credits.

IF Any Aspect of this Mandatory Component of NRS 213.1515, whether it be Deeming Johnson As An "Escaped Prisoner" or Determining of Dates of Abscond Johnson would not have A leg to Stand on, but Since both Are done in Conformity with Statute, Respondents Argument, And Court's Conclusion the only way Justice is Served And the LAW not Perverted is to Order A Restoration of Credits for the timeframe of 8/22/2019 to 4/21/2020.

III. Johnson's Parole Violation Report Prepared 4/21/2020 Shows 2/12/2022 Expiration. Johnson's Current Expiration is 10/24/2022 due to Unlawful Forfeiture of Credits. Violation of 8th Amendment Right to Protection From Cruel & Unusual Punishment in Form of Excessive Confinement.

See Exhibit "6" Parole Violation Report Prepared 4/21/2020

Johnson was Arrested on April 16, 2020. The Division of Parole and Probation Prepared his Violation Report on April 21, 2020. In this Violation Report Johnson's Expiration Date was Calculated to be 2/12/2022. Johnson Attended Revocation hearing on 7/7/2020 had All Credits that were Previously Forfeited Restored, Johnson's Current Expiration is October 24, 2022.

This Extra 8 months that has been added to Johnson's term of Imprisonment is due to the Forfeiture of Credit for the Timeframe of 8/22/2014 to 4/21/2020.

See Exhibit "5" Credit History

From August to April equals 8 months. This is the Period of time which has been Proven through this Arguement As Unlawful. This is the

Dept. of Corrections oversteppING it's boundaries And UnlawfullY forfeiting Credits that are not lawfully subject to forfeiture.

It Should be Noted And ASKed of the Respondents "How can it be logically possible that Johnson's Expiration date on 4/21/2020 was 2/12/2022, he Attends Parole Revocation Hearing has All Credits Restored And his Current Expiration is farther AWAY then it was prior to the Restoration of Credits? Or Are the Respondents telling this Honorable Court that Johnson would have fared more favorably if he declined Attending his Revocation Hearing and not having Credit Restored? That way At least His date would Still be in February instead of October.

This is preposterous And basically an insult to Common Sense, And yet this is what Petitioner has been forced to Endure Since 7/7/2020. Yet it has been Argued And Concluded that Johnson's Credits were Properly forfeited, And the Respondents have had the Audacity to SAY to the Court that Mr Johnson is Burdensome to them And that he is filing Frivolous Motions And Petitions.

IV Due to various MisCommunications within Division, Lack of Communication between Division And Department, Misinterpretation of Nevada Revised Statutes led to Petitioner's Violation And Revocation.

4/21/20

SEE Exhibit "6" Parole Violation Report

SEE Exhibit "7" Dept of Corrections Casenote Printout

See Exhibit "8" Summary of Preliminary Inquiry Hearing 8/26/20

SEE Exhibit "9" Letter From NDOC Deputy Director Brian Williams

Exhibit "6" And Exhibit "8" Are both From the Nevada Dept. of Public Safety Division of Parole And Probation. It should be A Foregone Conclusion that within One Organization there would be Consistency And Accord. It would further be thought that Something As Simple As A Reinstatement to Parole Date would CAUSE NO CONFUSION.

As CAN be Verified when Comparing two documents from one Source there are (2) Seperate and Completely Different Stances. The Violation Report Says Johnson WAS Reinstated to Parole on October 1, 2019; whereas the Summary of Prelimiary Inquiry Hearing emphatically States that Johnson WAS Indeed A Parolee due to being Reinstated on June 25, 2019. How CAN one Entity whose sole job is to know Parolee's Reinstatement Dates have 2 different outlooks?

Exhibit "7" And Exhibit "9" both originate from the Dept. of Corrections. In Exhibit "7". the Casenote 2 days After Johnson's 6/25/2019 Revocation Hearing it was Entered that Johnson was to be Continued on Parole "As" of 10/1/2019. When

Comparing that with Exhibit "G" which is a letter from the Deputy Director of Dept of Corrections (Only one Position from being NDOC Director) He states that upon Review it shows that Johnson's Parole WAS Reinstated on 6/25/2019. Again this IS one Organization with a totally different Conclusions As to when Petitioner's Reinstatement Date was.

If can be Asked why does this matter in the Grand Scheme of things? The Answer is Simple the Date of Reinstatement Determines or defines Johnson's Custody Status As Either An Inmate or Parolee.

SEE Exhibits "8" And "9" Both of these Documents have finally Agreed on One Simple truth that Johnson WAS Reinstated on 6/25/2019. Now When Comparing Again the Division of Parole And Probation take the Position that Since Johnson WAS Reinstated to Parole on 6/25/2019 he WAS therefore Considered A Parolee which does not make him An Inmate. They go further to support this Position by SAYING "Johnson would only be An Inmate if his Parole WAS Revoked OR Rescinded And Since Neither happened he WAS A Parolee".

Deputy Director Brian Williams on the Other Hand In Exhibit "G" Argues Point by Stating "Because You Were An Inmate in the Custody of Nevada Dept. of Corrections housed At CGTH And yet A Parolee.

Again Why is this Important? The Reasoning is quite simple If Johnson was An Inmate As NDOC has argued that means it is Impossible that Johnson Absconded Parole that NEVER Started. Of Equal Reasoning If Johnson was the Parolee that Parole and Probation has Argued the rules for Parolees And Inmates Are Completely different at Casa Grande, And the 4:00 Curfew Rule only Applies to Inmates. In other words Johnson Never broke the Rules!

However this Problem goes a little deeper. Johnson was transported to Casa Grande Due to being Reinstated on Parole. At the time of being Submitted Johnson was told he was a Parolee and was going to be on the Parole Side As Part of his New Conditions required Intensive Supervision. Upon Arriving is where the Confusion between the two Entities Arose. When the Caseworker Viewed the Case notes She saw the Continue on Parole as of 10/1/2018 And She informed Johnson that there was An Error And that it would be fixed within A few days And that it didn't make any sense to go back to High Desert State Prison. She informed Johnson to go On Inmate" Side because that's where there was room Available but He Officially is A Parolee.

Johnson Arrived on 7/31/2019 And Complied

With All the rules on the "Inmate" side while awaiting the move to Parolee side. He was told that he was Reinstated to Parole on June 25 2019 And therefore had the privileges of a Parolee he was only WAiting for Offender Management Division And Parole And Probation to Sort through the Schematics.

Henceforth when the August 22, 2019 Incident which is the root of Revocation And everything else came About Johnson was technically not in the wrong for being late at 4:00 pm As the Violation Report states because that rule Never Applied to him.

Also this is the Reason that the Attorney General Dismissed Case Number 19F23878X Against Johnson for Unauthorized Absence Constituting Escape by Prisoner. Per NRS 212.095 the rules did not Apply.

Petitioner Respectfully Asks of this Honorable Court one question "If All of these Entities And People who have been given the Responsibility of Supervising People like Mr. Johnson Are Confused After All of their training how could Mr. Johnson be Anything but Confused And bound for error?"

Yet this is the Situation And Johnson has been Punished Institutionally As An Inmate. And has been Punished by the Parole Board

As A Parolee by having Parole Revoked to Extinction.

This issue is much bigger then Johnson this is and was a mess up on a Grand Scale And Rather then Admit that the System is broken And that they Contributed to this Problem It is Easier to just Revoke his Parole And "Metaphorically" Sweep this one under the rug.

Case in Point SEE Exhibit "3" it says that Johnson was Never Deemed an Escaped Prisoner And No Period of Abscond was Specified As A Consolation for being A Scapegoat. All of this was brought to Parole Boards Attention on 7/7/2020 And Again Rather than Allowing this Unique Circumstance to set Any type of Precedence it was much Easier to Shut him up And get him out of there Quickly And just Expire the Sentence Quickly And be done, It was Never Factored in that the NDOC would Hinder Progress And not give Johnson his Credits. It was this that caused Johnson to have to seek Relief from the Court so Again it is A Outright Slap in the Face of Justice for the Attorney General to feel they've been burdened with Mr. Johnson Fighting for his Liberty.

15

IV. Violation of NRS 213.1513. Johnson was never given Advanced Notification of Inquiry And was forced to undergo Inquiry unprepared And without Counsel. Violation of 14th Amendment SEE Exhibits "11", "12", "13"

These Exhibits Are the (3) Notice's of Preliminary Inquiry Hearing. In each of the 3 Notice's Johnson Initialed his desire to have A Preliminary Inquiry Hearing. In Exhibit "11" Johnson initialed Also that he wanted to present A Witness At his own expense.

Please Note EACH Notice is missing the Most important ASpect of the Notice; the TIME, DATE, And LOCATION Are All BLANK.

NRS 213.1513(1) The Board or detaining Authority shall give the Arrested Parolee Advance Notification of: (A) The Place And Time of Inquiry.

NRS 213.1513(2) The Inquiring Officer Shall Allow Parolee to: (B) Obtain Counsel (C) Present Any Relevant letters or other Documents And Any Person who can give Relevant information.

SEE Exhibit "1" Page 3 of 5 lines 13-17

Wherefore the Court Further Concludes that the purpose of a Preliminary Inquiry is to determine whether there is Probable Cause to believe A Parolee violated the terms of his Parole NRS 213.15105. ...The United States Supreme Court has held that A Parolee is entitled to Certain Notices, So that he may Appear and Speaks on his own behalf during the Inquiry and may Also bring in Relevant Evidence if Appropriate. Those Mandates are Codified At NRS 213.1511 thru NRS 213.1515.

In this Case the Petitioner WAS NOT given Proper Notification of Inquiry because the Division of Parole And Probation Already Violated Johnson's Due Process by transporting him to And transferring his Custody Over to Dept. of Corrections without first Conducting An Inquiry directly Violating NRS 213.1511 (1).

V. Violation of Due Process NRS 213.1511 (1) (3) Violation of 14th Amendment

NRS 213.1511 (1) Before A Parolee who has been Arrested And is in Custody for A Violation of his Parole may be returned to the Custody of the Dept.

of Corrections for that Violation An Inquiry MUST be Conducteer to determine whether there is Probable Cause to believe that the Parolee has Committed Acts that would Constitute such A Violation.

NRS 213.1511 (3) Except in A CASE where the PArolee is A fugitive the Inquiry MUST be held At or Reasonably near the PLACE of the Alleged Violation or the Arrest and within 15 working dAys After the Arrest.

SEE Exhibit "7/4"

Petitioner Johnson WAS Arrested on 4/16/2020. Johnson WAS trsnsferred to High Desert State Prison on 4/21/2020. Johnson WAS trsnsferred to NDOC Custody without being given An Inquiry to determine if Probable Cause Existed.

See Exhibit "8"

Johnson WAS given his Preliminary Inquiry to Determine Probable Cause on MAY 21, 2020. This Violated NRS 213.1511(1)(3) Not only WAS Johnson given to the Custody of Dept. of Corrections without An Inquiry; when the Division of PArole And Robation decided to Conduct Preliminary Inquiry it WAS done 24 Workings After Arrest, which is 9 dAys Over Nevada Revised Statute Alloted 15 working days.

Also the fact that Johnson's Inquiry was Conducted in 2 Seperate Cities. NRS 213.1511(3) Clearly dictates that Except when Parolee is A Fugitive the Inquiry is to be Conducted At or NEAR the PLACE of Violation or Arrest.

Johnson's Violation happened At Casa Grande Transitional Housing which is located At 3955 W. Russell Rd Las Vegas NV 89118.

Johnson was Arrested At 806 Rees Pl Las Vegas NV 89106.

Both locations Are in Las Vegas so by Law Johnson's Inquiry Should have been Conducted in Las Vegas.

Johnson's Inquiry was Conducted telephonically Over A broken SPEAKERphone from Las Vegas to Indian Springs, Violation of NRS 213.1511(3)

This was All prejudicial to Johnson As is proven in "Exhibit "8".

SEE Exhibit "8" Defense Case: Mr Johnson denied being in violation of each of the Alleged. Mr Johnson Stated that he was [redacted] on Parole yet And Should be Considered An Inmate not A Parolee. Therefore he Should not be in violation of Parole. He did not have Any Documents, evidence, witnesses etc. to support his Case

Findings: Having Considered the Evidence presented by Officer Marquez And the LACK of Evidence to Support Claims from Mr. Johnson ... Officer finds there is Probable Cause

Conclusion

Petitioner prays of this Honorable Court to Grant Johnson A Suspension or Vacating of Sentence After Proof of Due Process Is Presented And Verified beyond Any Doubt in lieu of Sanctions.

Petitioner further ASKS of this Honorable Court to Declare that the Dept. of Corrections Is Violating Johnsons Due Process And Nevada Revised Statutes And Order the N.D.O.C to Restore And Recalculate Credits for the timeframe of 8/22/2019 to 4/[redacted]/2020 AS they were Unlawfully Forfeited per NRS 213.15185(4) And NRS 213.1518(2)

Exhibit "1"

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CLERK OF THE COURT

DAO

DISTRICT COURT

CLARK COUNTY, NEVADA

COREY JOHNSON, Petitioner, vs. STATE OF NEVADA, Respondents.	Case No. A-20-821716-W Dept. No. XV

DECISION AND ORDER

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

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

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

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

Exhibit C(1)

Page 1 of 4 Electronically closed: USJR - CV - Summary Judgment (USS

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

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

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

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

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

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

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

WHEREFORE THE COURT FURTHER CONCLUDES that the calculation of statutory credit for parolees is governed by NRS 213. 15185. Pursuant to NRS 213.15185, if a parolee absconded, the parole board will then determine the dates that the parolee was an absconder and the parolee will not receive credit for the timeframe he absconded. In this case, the parole board determined that on two separate occasions that Mr. Johnson had absconded from supervision while paroled. Specifically, Mr. Johnson absconded in July 2017 and was arrested in April 2019 and absconded again in August 2019 and was arrested in April 2020. Because Mr. Johnson absconded during those timeframes, he is not entitled

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

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

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

The Honorable Joe Hardy
District Court Judge

73A 955 E844 A689
Joe Hardy
District Court Judge

Submitted by:

AARON D. FORD
Attorney General

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

Exhibit "2"

Exhibit "2"

or who does not keep the parole board informed as to his location shall be deemed an escaped prisoner and arrested as such. The parole board will then decide as to whether the parolee did abscond in accordance with NRS 176A.630 (5). If the parolee absconded, the parole board will then determine the dates that the parolee was an absconder and the parolee will not receive credit for the timeframe they absconded. NRS 213.15185.

In this case, the parole board determined that on two separate occasions that Johnson had absconded from supervision while paroled. *See Exhibit 7 at Pages 13-14 and 15-16, and 18.* Specifically, Johnson absconded in July 2017 and was arrested in April 2019 and absconded again in August 2019 and was arrested in April 2020[2]. Because Johnson absconded during those timeframes, he is not entitled to credit for that period regardless if the parole board reinstated him or revoked his parole. As reflected in Johnson's credit history, Johnson did not receive credit during the period he absconded. *See Exhibits 8-10.* Because Johnson did not receive credit during the period of his absconding, his parole expiration dates correctly reflect the timeframe that his sentence will expire. Johnson believes that because the parole board did not forfeit the statutory credit, he earned prior to his parole revocation, he is also entitled to credit earned during his absconding period, but he is mistaken. The statutory credit that Johnson earned prior to his parole revocation reflects credit he earned while he was adhering to the terms and conditions of his parole. Once Johnson absconded, he was not in compliance and therefore could not earn credit. Johnson's credit history also reflects that Johnson did not lose any statutory credit except for the timeframe he violated the terms and conditions of parole. Because Johnson only lost statutory credit during his absconding and his expiration date properly reflects the expiration of his sentence, Johnson's constitutional right to be protected from excessive confinement was not violated. As a result, Johnson's credits were properly forfeited, he did not already expire the term of his sentence, he is not entitled to an automatic credit recalculation, and he is not entitled to his original parole expiration dates.

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[2] Respondents acknowledge and understand that Johnson argues he was in custody at the Nevada Department of Corrections when he absconded, but he still absconded while under the supervision of parole (Exhibit 11, *Parole Violation at Page 13*).

Exhibit "2"

Exhibit "3"

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

JOHNSON, COREY B	95007	2010-054268	HDSP-U4-A-15-A	07/07/2020
INMATE NAME	NDOC NUMBER	BOOKING#	LOCATION	DATE

Affected Sentence (Controlling sentence denoted by *)

Case #	Count	Offense Description
263976	1	HABITUAL CRIMINAL (LESSER)
260737	1	HABITUAL CRIMINAL (LESSER)
261344	1	HABITUAL CRIMINAL (LESSER)

Warrant #: 44827 Warrant Date: 06/01/2020 Arrest Date: 04/16/2020

Was the PV Hearing conducted/waived? Conducted Was the notice of rights executed? Yes

Counsel Type: Retired Public Defender Represented By: COX

Escaped Prisoner? No Stop Date: Restart Date:

JOHNSON WAS Never Deemed An Escaped Prisoner therefore THIS time Continuity Ran.

CHARGES, PLEAS and FINDINGS

Charge	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; Parole Credit Forfeiture	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 or follows: 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 ☐1st ☐2nd ☐3rd ☐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 for: EXP	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 ALL credits
	No Action Taken	

Evidence Relied Upon:

Guilty Plea (where applicable)

- X Report of Parole Violation Report dated 04/21/2020
- X Police Report: LVMPD Temporary Custody Record dated 04/16/2020
- X Police Report: LVMPD Declaration of Arrest Report dated 04/16/2020
- X Police Report: NDOC Escape Arrested dated 04/23/2019
- X Other: Email from Mark Rutledge dated 04/27/2020
- X Other: Justice Court Arrest Warrant dated 04/16/2020
- X Other: Register of Actions dated 04/03/2020

Name of P&P Division Report Initiating Officer: Stanley

Names of Parole Board Panel Members Present: Christensen, Durfee, 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 DISCHARGED SUPERVISION FOR MAXED TIME 60 DAYS AND WALKED AWAY FROM HOUSE

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

FOR THE NEVADA BOARD OF PAROLE COMMISSIONERS

PV-Stats- rev 7 1-2020

Exhibit "B"

Exhibit "4"

NO. 44827

STATE OF NEVADA

Executive Department

WARRANT FOR RETAKING A PAROLED PRISONER

To any Parole Officer or any Peace Officer Authorized to Arrest or Serve Criminal Process:

The undersigned, having probable cause to believe that CORY JOHNSON, a paroled prisoner of the Nevada Department of Corrections, has violated the conditions of parole.

NRS 179.209 PROHIBITS THIS PAROLEE FROM BEING ADMITTED TO BAIL.

NOW, THEREFORE, pursuant to the provisions of, section 213.151 of Chapter 213, Nevada Revised Statutes, it is hereby ordered that said parolee be retaken and returned to the Nevada Department of Corrections and into the actual custody of the Director thereof, and you and each of you are hereby authorized and required to retake the parolee. For so doing, this warrant is legally sufficient.

Dated at Carson City, Nevada, this 1st day of June, 2020.

BOARD OF PAROLE COMMISSIONERS

Member of the Board of Parole Commissioners

DIVISION OF PAROLE AND PROBATION

Chief Parole and Probation Officer

WARRANT DATA

Date of Arrest _____

By _____

Agency _____

Exhibit 4

Exhibit "5"

Offender: JOHNSON, COREY - 0000095007 | Sentence: 2 | Count: 1

Current Earned Expiration Date: 10/02/2024

Case	Sentence Dt	Jo	Rem Dys	MAX Term	Days Over 20	PED	PEXD	Status
264344	10/14/2010	248	02/08/2010	20y 0m 0d	7305	02/07/2015	10/07/2022	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
03/01/2019	03/31/2019	WORK	0	No Comment	2036
04/01/2019	04/13/2019	FISCAL	0	No Comment	2036
04/01/2019	04/13/2019	FLAT	0	No Comment	2036
04/01/2019	04/13/2019	STAT	0	No Comment	2036
04/01/2019	04/13/2019	WORK	0	No Comment	2036
04/14/2019	04/30/2019	FISCAL	12	No Comment	2024
04/14/2019	04/30/2019	FLAT	17	No Comment	2007
04/14/2019	04/30/2019	STAT	6	No Comment	2001
04/14/2019	04/30/2019	WORK	6	No Comment	1995
05/01/2019	05/31/2019	FISCAL	20	No Comment	1975
05/01/2019	05/31/2019	FLAT	31	No Comment	1944
05/01/2019	05/31/2019	STAT	10	No Comment	1934
05/01/2019	05/31/2019	WORK	10	No Comment	1924
06/01/2019	06/30/2019	FISCAL	0	OTIS credits for 05/2019	1924
06/01/2019	06/30/2019	FLAT	30	No Comment	1894
06/01/2019	06/30/2019	STAT	10	No Comment	1884
06/01/2019	06/30/2019	WORK	0	OTIS credits for 05/2019	1884
07/01/2019	07/31/2019	FISCAL	20	No Comment	1864
07/01/2019	07/31/2019	FLAT	31	No Comment	1833
07/01/2019	07/31/2019	STAT	10	No Comment	1823
07/01/2019	07/31/2019	WORK	10	No Comment	1813
08/01/2019	08/21/2019	FISCAL	14	No Comment	1799
08/01/2019	08/21/2019	FLAT	21	No Comment	1778
08/01/2019	08/21/2019	STAT	7	No Comment	1771
08/01/2019	08/31/2019	WORK	7	No Comment	1764
08/22/2019	08/31/2019	FISCAL	0	No Comment	1764
08/22/2019	08/31/2019	FLAT	0	No Comment	1764
08/22/2019	08/31/2019	STAT	0	No Comment	1764
09/01/2019	09/30/2019	FISCAL	0	No Comment	1764
09/01/2019	09/30/2019	FLAT	0	No Comment	1764
09/01/2019	09/30/2019	STAT	0	No Comment	1764
09/01/2019	09/30/2019	WORK	0	No Comment	1764
10/01/2019	10/31/2019	FISCAL	0	No Comment	1764
10/01/2019	10/31/2019	FLAT	0	No Comment	1764
10/01/2019	10/31/2019	STAT	0	No Comment	1764
10/01/2019	10/31/2019	WORK	0	No Comment	1764
11/01/2019	11/30/2019	FISCAL	0	No Comment	1764
11/01/2019	11/30/2019	FLAT	0	No Comment	1764
11/01/2019	11/30/2019	STAT	0	No Comment	1764
11/01/2019	11/30/2019	WORK	0	No Comment	1764
12/01/2019	12/31/2019	FISCAL	0	No Comment	1764
12/01/2019	12/31/2019	FLAT	0	No Comment	1764
12/01/2019	12/31/2019	STAT	0	No Comment	1764

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

Offender: JOHNSON, COREY - 0000095007 Exhibit "H" #3 Sentence: 2 Count: 1

Current Earned Expiration Date: 10/02/2024

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
264344	10/14/2010	248	02/08/2010	20y 0m 0d	7305	02/07/2015	10/07/2022	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
12/01/2019	12/31/2019	WORK	0	No Comment	1764
01/01/2020	01/31/2020	FISCAL	0	No Comment	1764
01/01/2020	01/31/2020	FLAT	0	No Comment	1764
01/01/2020	01/31/2020	STAT	0	No Comment	1764
01/01/2020	01/31/2020	WORK	0	No Comment	1764
02/01/2020	02/29/2020	FISCAL	0	No Comment	1764
02/01/2020	02/29/2020	FLAT	0	No Comment	1764
02/01/2020	02/29/2020	STAT	0	No Comment	1764
02/01/2020	02/29/2020	WORK	0	No Comment	1764
03/01/2020	03/31/2020	FISCAL	0	No Comment	1764
03/01/2020	03/31/2020	FLAT	0	No Comment	1764
03/01/2020	03/31/2020	STAT	0	No Comment	1764
03/01/2020	03/31/2020	WORK	0	No Comment	1764
04/01/2020	04/20/2020	FISCAL	0	No Comment	1764
04/01/2020	04/20/2020	FLAT	0	No Comment	1764
04/01/2020	04/20/2020	STAT	0	No Comment	1764
04/01/2020	04/20/2020	WORK	0	No Comment	1764
04/21/2020	04/30/2020	FISCAL	7	No Comment	1757
04/21/2020	04/30/2020	FLAT	10	No Comment	1747
04/21/2020	04/30/2020	STAT	4	No Comment	1743
04/21/2020	04/30/2020	WORK	4	No Comment	1739
05/01/2020	05/31/2020	FISCAL	20	No Comment	1719
05/01/2020	05/31/2020	FLAT	31	No Comment	1688
05/01/2020	05/31/2020	STAT	10	No Comment	1678
05/01/2020	05/31/2020	WORK	10	No Comment	1668
06/01/2020	06/30/2020	FISCAL	0	OTIS credits for 05/2020	1668
06/01/2020	06/30/2020	FLAT	30	No Comment	1638
06/01/2020	06/30/2020	STAT	10	No Comment	1628
06/01/2020	06/30/2020	WORK	0	OTIS credits for 05/2020	1628
07/01/2020	07/06/2020	FISCAL	4	No Comment	1624
07/01/2020	07/06/2020	FLAT	6	No Comment	1618
07/01/2020	07/06/2020	STAT	2	No Comment	1616
07/01/2020	07/31/2020	WORK	0	Reduction for not working	1616
07/07/2020	07/31/2020	FLAT	25	No Comment	1591
07/07/2020	07/31/2020	STAT	17	No Comment	1574
08/01/2020	08/31/2020	FLAT	31	No Comment	1543
08/01/2020	08/31/2020	STAT	20	No Comment	1523
08/01/2020	08/31/2020	WORK	0	Reduction for not working	1523
09/01/2020	09/30/2020	FLAT	30	No Comment	1493
09/01/2020	09/30/2020	STAT	20	No Comment	1473
09/01/2020	09/30/2020	WORK	10	No Comment	1463
10/01/2020	10/31/2020	FLAT	31	No Comment	1432
10/01/2020	10/31/2020	STAT	20	No Comment	1412

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

Exhibit "6"

Nevada Department of Public Safety

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 I: HABITUAL CRIMINAL (LESSER)
SENTENCE: 5-20 YEARS NDOC/$25AA/$150DNA

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 LVMPD and booked into Clark County Detention Center on NDOC warrant Escape (F).

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 "6"

Exhibit "7"

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

ID# 96007 Name: JOHNSON, COREY Location: HDSP U4 A 25 A 7

[redacted]

Date / Time: 06/27/2019 - 08:19 Type / Subtype: SENT_MNG / SENT_MANG Staff Member: ROYER, DEBI

Parole Revocation hearing results 6/25/19
Continued on Parole as of 10/1/19

[redacted]

Date / Time: 07/12/2019 - 07:43 Type / Subtype: GENERAL / GEN Staff Member: TREADWELL, LARRY

Received Order Setting Conditions of Parole Supervision and it was provided to inmate.

[redacted]

Date / Time: 07/31/2019 - 11:31 Type / Subtype: GENERAL / EXREV Staff Member: MIRO, TEDDY

EXIT REVIEW. Inmate is not present. Inmate approved for transfer from HDSP to CGTH on 07/31/2019. Inmate has no upcoming Parole Board appearances or Court hearings scheduled. Inmate has no pending disciplinary concerns.

Date / Time: 08/01/2019 - 15:02 Type / Subtype: PAR_RLS_STS / PAR_PLAN Staff Member: PAYTON, DIONNE

The following info was submitted to S. Banks of P&P on this date:

Good afternoon. This inmate's parole has been re-instated and he would like to submit the following plan for review:

Primary:
Fatesha Johnson - Wife
806 Reed Pl
Las Vegas, NV 89106
702-619-2802

Secondary:
Louwan Osborne - Aunt

Exhibit 7

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

ID: 95007 Name: JOHNSON, COREY Location: HDSP U1 A 25 A

03/31/2017 TO LAS VEGAS. NO ACTIVE WANTS, WARRANTS, HOLD OR DETAINERS WERE REPORTED. ALL RELEASE PAPERWORK WAS COMPLETED BY CCS CANTRELL AND INMATE @ TCC. BLOOD DRAW REQUESTED. I-FILE REVIEWED. ALERTS CHECKED. A COPY OF ALL DOCUMENTS ALONG WITH RELEASE ACCESS CARD #454926, 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 RECEIRT 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 ...[DENAECLARK 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 "G"

Exhibit "8"

Nevada Department of Public Safety

Division of Parole and Probation

SUMMARY OF PRELIMINARY INQUIRY HEARING

May 26, 2020

TO THE HONORABLE BOARD OF PAROLE COMMISSIONERS
CARSON CITY, NEVADA

NAME: JOHNSON, CORY
FILE: L17 2414
CC#: C260737

The above-named subject appeared for a Preliminary Inquiry Hearing on May 21, 2020, at 14:00 via phone as he was incarcerated at the Nevada Department of Corrections

APPEARANCES:

For Probationer/Parolee: Johnson, Cory (via phone)

Charging Officer: Marquez, DPS Officer (via phone)

Hearing Officer: S. Conroy, DPS Officer (via phone)

Supporting Documents (Attached):

1. Violation Report dated April 21, 2020.

RIGHTS VERIFICATION: Hearing Officer S. Conroy inquired of Mr. Cory Johnson if he had received copies of the Violation Report and the Parole and Probation Form 40, listing his rights per Morrisey and Scarpelli Supreme Court Decisions, and Mr. Johnson replied in the affirmative. Mr. Johnson also indicated he fully understood the charges and his rights during the Violation process explained in the Parole and Probation Form 40.

VIOLATION CASE: Officer Marquez summarized the Violation Report which indicates Mr. Johnson violated: Directives and Conduct; Laws

Exhibit "8"

SUMMARY OF PRELIMINARY INQUIRY HEARING Exhibit "8" Cont'd

RE: JOHNSON, CORY
FILE #: L17-2414
CC#: C260737

DEFENSE CASE: Mr. Johnson denied being in violation of each of the alleged. Mr. Johnson stated that he was not on parole yet and should be considered an inmate not a parolee. Therefore, he should not be in violation of parole. He did not have any documents, evidence, witnesses, etc. to support his case.

FINDINGS: Having considered the evidence presented by Officer Marquez, and the lack of evidence to support claims from Mr. Johnson, this Officer finds there is probable cause to continue detention of the Defendant for Parole Violation. It should be noted that Mr. Johnson was reinstated to parole on June 25, 2019, which negates his claim that he was an inmate. Due to the fact he was reinstated on parole pending his release to the community he was under supervision of the Division, which does not make him an inmate. Mr. Johnson would only be considered an inmate should his parole have been revoked or the Board rescinded his parole. Since neither of these took place at his revocation hearing on June 25, 2019, Mr. Johnson was a parolee at the time of his escape, just be supervised in an institution. This Preliminary Inquiry Hearing was adjourned at 1500 on May 21, 2020.

Respectfully submitted,

S. Conroy, Hearing Officer
Division of Parole and Probation
Southern Command, Las Vegas, NV

With Everything Stated here the Questions Are:

(1) Since I have not been Convicted Criminally or Institutionally of Escape how can that legally be Stated in Report? (Innocent Until Proven Guilty? "Remember?)

(2) What Genius Did Not look At the Date of my Parole Reinstatement and made the Egregious Error of Charging me under NRS 212.095 under Clear Violation of its Directive Subsection (2)?

(3) Is this A Clear Case of Malice Prejudice, Ignorance OR All 3??

Exhibit "8"

Exhibit "9"

September 22, 2020

Corey Johnson #95007
HDSP
P.O. Box 650
Indian Springs, NV 89070

Inmate Johnson,

I have received and reviewed your letters dated July 12, 2020 and July 15, 2020.

When you were transferred to Casa Grande Transitional Housing (CGTH) on July 31, 2019, you were still an inmate under the custody of Nevada Department of Corrections (NDOC). A review of your parole grant reflects that your parole was reinstated by the Parole Board on June 25, 2019. However, as you are aware, you cannot be released on parole until your housing plan is approved by the Division of Parole and Probation and you sign your parole release documents with an NDOC Release Coordinator. You had not signed such documents at the time of the incident in question.

You stated in your letter that while at CGTH, you were out on a job search when you suffered a medical episode and was admitted into UMC for treatment. Page eleven (11) of the CGTH Inmate Handbook states, "On a job search, you must call in to Unit Control if you run into *any* issues relating to you returning to CGTH by your approved return time. This is extremely important as you are accountable for your whereabouts at all times. Failure to notify CGTH of any and all delays is considered a violation and may lead to placing you on ESCAPE STATUS." If you were at UMC with a medical-related issue, you did not follow protocol and by notifying CGTH officers. NRS 212.095 does apply to you because you were an inmate in the custody of the Nevada Department of Corrections housed at CGTH, and not yet a parolee.

This Misinterpretation is Underlying Cause of Issues

Any request you have associated with the dismissal of the MJ6 Escape charge must go through the disciplinary appeal process as noted in Administrative Regulation (AR) 740: Inmate Grievance Procedure.

While what has happened is an unfortunate series of events, you are responsible for your own actions and the consequences that are associated with such. I suggest you participate in programming such as "Getting It Right" and "Moral Reconation Therapy" that are facilitated by Re-entry staff to provide you with tools that may enhance your future.

Brian E. Williams, Sr.
Deputy Director of Programs
Nevada Department of Corrections

BW/jw

Exhibit "aq11"

Exhibit "10"

WHITE-Board File
CANARY-Parolee/Inmate
PINK-Parole & Probation
GOLDENROD-NDOC

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

JOHNSON, COREY B	95007	2010-054264	HDSP-U1-B-25-A	06/25/2019
INMATE NAME	NDOC NUMBER	BOOKING#	LOCATION	DATE

Affected Sentences (Controlling sentence denoted by *)
263976;1;HABITUAL CRIMINAL (LESSER)
260737;1;HABITUAL CRIMINAL (LESSER)
264344;1;HABITUAL CRIMINAL (LESSER)

Warrant # 41364 Warrant Date 07/10/2017 Arrest Date: 04/14/2019

Was the PI Hearing conducted or waived? Waived Was the notice of rights executed? Yes

Counsel Type: Retained / Public Defender Represented By: Richards

Absconder Yes Cecilia Stop Date: 07/10/2017 Restart Date: 04/29/2019

CHARGES, PLEAS and FINDINGS

Charges	Parolee Plea	Board Finding	Other Action
Reporting	Guilty / Not Guilty	Guilty / Not Guilty	
Directives	Guilty / Not Guilty	Guilty / Not Guilty	
Residence	Guilty / Not Guilty	Guilty / Not Guilty	
Conduct	Guilty / Not Guilty	Guilty / Not Guilty	
Employment/Program	Guilty / Not Guilty	Guilty / Not Guilty	
Financial Obligations	Guilty / Not Guilty	Guilty / Not Guilty	
Controlled Substances	~~Guilty / Not Guilty~~	~~Guilty / Not Guilty~~	withdrawn by P&P
Out-of-state Travel	Guilty / Not Guilty	Guilty / Not Guilty	
Laws	~~Guilty / Not Guilty~~	~~Guilty / Not Guilty~~	withdrawn by P&P

ACTION (indicate one):

	Parole is revoked to: _____.	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 (slot credits) earned prior to the date of revocation are hereby forfeited. The Board has restored _____ credits.
√	Continue on Parole: ___ Immediately X Upon Plan Approval X At Date 10/01/2019 Parole Credit Forfeiture:	WARRANT IS QUASHED. Parole is continued with the same conditions unless specified as follows: Must sign new standard conditions. Complete substance abuse eval within 14 days of release of NDOC. Intensive Supervision with electronic supervision not to exceed 180 days. All previous conditions remain in effect. The Board orders the forfeiture of 0 credits earned while on parole for having been found guilty of a violation of parole.
	No Action Taken	

Evidence Relied Upon:

X Guilty Plea (where applicable)
X Report of P&P: Violation Report dated 6/28/2017; Supplemental Violation Report dated 4/15/2019, 5/03/2019
X Police Report: LVMPD Temporary Custody Record 4/29/2019; Declaration of Warrant Summons 9/27/2018
X Police Report: CCDC Arrest Warrant Abstract 4/29/2019
X Police Report: DPS High Profile Event Notification Form 5/03/2019; NDPS Property Report 5/18/2017
X Supervision Fee Report: P&P Statement of Subject Supervision Fee Account 5/15/2019
X Restitution Report: P&P Statement of Subject Restitution Account
X Other: Las Vegas Indian Center 5/05/2017, 18F18448X Register of Actions 5/15/2019, Court Minutes 5/01/2019
X Other: Multnomah County Sheriff's Office Fugitive Transport 4/14/2019, Circuit Court of the State of Oregon Waiver of Extradition 4/16/2019

Name of P&P Division Representative: Officer Stankus

Name of Parole Board Panel Members Present: Keeler, Christiansen, VIA Telephone De La Torre

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:

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

FOR THE NEVADA BOARD OF PAROLE COMMISSIONERS

PV-Blank- ver-4-1-2017

COPY

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

NOTICE OF PRELIMINARY INQUIRY HEARING

You, Cory Johnson Number: L17-2414A / 95007
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	
Directive A: Residence	
Directive B Reporting	
Directive C Employment	
Laws	
Conduct	

Your Preliminary Inquiry Hearing is scheduled for _____ Date _____ Time

at _____ 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:

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

_____ I will retain _____ Name _____ Address to represent me.

CJ I wish to present the following witness (es) at my own expense: [redacted]

Name Address

Name Address

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

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

Signature of Client 96007 Number 4/27/17 Date

Signature of Witness Specialist Position 4/27/17 Date

(rev 05 04 12) Form 40

Exhibit G #11

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

NOTICE OF PRELIMINARY INQUIRY HEARING

You, JOHNSON, CORY Number: 617-2414
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
Directive A: Residence	
Directive B: Reporting	
Employment	
Laws	
Conduct	

Your Preliminary Inquiry Hearing is scheduled for _____ Date _____ Time

at _____ 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.

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

_____ I will retain _____ Name _____ Address to represent me.

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

Name	Address
Name	Address

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

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

Signature of Client	Number	Date
Signature of Witness	Position	Date
	Specialist-III	5/11/20

(rev.05/04/12) Form 40

Exhibit "H" #2

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

NOTICE OF PRELIMINARY INQUIRY HEARING

You, JOHNSON, CORY Number: L17-24148
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
Directive A: Residence	
Directive B: Reporting	
Employment	
Laws	
Conduct	

Your Preliminary Inquiry Hearing is scheduled for _____ _____
Date Time

at _____
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:

CJ 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

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

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

Signature of Client _____ Number _____ Date 5/11/20

Signature of Witness _____ Position Parole Asst II Date 5/11/20

(rev.05/04/12) Form 40

Exhibit "C" #13

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

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

[redacted]

Date / Time: 04/17/2020 - 08:08 Type / Subtype: HOLD_DTNR / HOLDS_DTNR Staff Member: RUTLEDGE, MARK

Received a hit from LVMPD on 04/16/2020. DPS Dispatch confirmed hit, and faxed NDOC Escape Retake Warrant to CCDC Booking/Records at 702-671-5975. Inmate was booked into CCDC under booking #01902468 on 04/17/2020 on NDOC Escape Retake Warrant 2019-13S and has new local charges for case #19F23878X (UNAUTH ABSENCE BY PRISONER). Inmate has 1st hearing for new charges on 4/20/2020 at 7:45 AM

Date / Time: 04/17/2020 - 08:15 Type / Subtype: HOLD_DTNR / HOLDS_DTNR Staff Member: RUTLEDGE, MARK

Rec'vd and posted (F) hold from LVMPD for case #19F23878X (UNAUTH ABSENCE BY PRISONER) Inmate has 1st hearing for new charges on 4/20/2020 at 7:45 AM.

[redacted]

Date / Time: 04/21/2020 - 13:42 Type / Subtype: GENERAL / RREV Staff Member: PADILLA, JOSHUA

Parole Violator (43 yo) w/no new charges, arrived at HDSP from CCDC on this date. PSI and Retake Warrant recvd. Denies CMS, STG, S/A-Meth. PSI & Jail Report state no gang affiliation. I/M claims 2 children, no foster care, no will. No medical concerns noted. Emergency Contact: Fatesha Johnson (Wife) 702-619-2802 I/M will house HDSP/Intake/GP.

[redacted]

Exhibit "4" 4/4

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FROM: Corey Johnson
HDSP 95007
P.O. Box 650
Indian Springs NV 89070

TO: 3762
Regional Justice Center
Attn: Clerk Of Court Dept. 24
200 Lewis Ave
Las Vegas NV 89155

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08/11/2021
CLERK OF THE COURT

Corey Johnson
NDOC No. 95007
Corey Johnson
In proper person

IN THE 8th JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE
COUNTY OF Clark

Corey Johnson)
)
Petitioner,)
v.)
) Case No. A-20-821716-W
)
State of Nevada) Dept. No. 24
Respondent.)
)

MOTION AND ORDER FOR TRANSPORTATION
OF INMATE FOR COURT APPEARANCE
OR, IN THE ALTERNATIVE,
FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE

Petitioner, Corey Johnson, proceeding pro se, requests that this Honorable Court order transportation for his personal appearance or, in the alternative, that he be made available to appear by telephone or by video conference at the hearing in the instant case that is scheduled for August 24 2021 at 9:00 AM

RECEIVED
AUG 02 2021
CLERK OF THE COURT

In support of this Motion, I allege the following:

1. I am an inmate incarcerated at High Desert State Prison. My mandatory release date is 11-15-2088.

2. The Department of Corrections is required to transport offenders to and from Court if an inmate is required or requests to appear before a Court in this state.

NRS 209.274 Transportation of Offender to Appear Before Court states:

"1. Except as otherwise provided in this section, when an offender is required or requested to appear before a Court in this state, the Department shall transport the offender to and from Court on the day scheduled for his appearance.

2. If notice is not provided within the time set forth in NRS 50.215, the Department shall transport the offender to Court on the date scheduled for his appearance if it is possible to transport the offender in the usual manner for the transportation of offenders by the Department. If it is not possible for the Department to transport the offender in the usual manner:

(a) The Department shall make the offender available on the date scheduled for his appearance to provide testimony by telephone or by video conference, if so requested by the Court.

(b) The Department shall provide for special transportation of the offender to and from the Court, if the Court so orders. If the Court orders special transportation, it shall order the county in which the Court is located to reimburse the Department for any cost incurred for the special transportation.

(c) The Court may order the county sheriff to transport the offender to and from the Court at the expense of the county."

3. My presence is required at the hearing because:

☒ I AM NEEDED AS A WITNESS.

My petition raises substantial issues of fact concerning events in which I participated and about which only I can testify. *See U.S. v. Hayman*, 342 U.S. 205 (1952) (District Court erred when it made findings of fact concerning Hayman's knowledge and consent to his counsel's representation of a witness against Hayman without notice to Hayman or Hayman's presence at the evidentiary hearing).

☐ THE HEARING WILL BE AN EVIDENTIARY HEARING.

My petition raises material issues of fact that can be determined only in my presence. *See Walker v. Johnston*, 312 U.S. 275 (1941) (government's contention that allegations are improbable and unbelievable cannot serve to deny the petitioner an opportunity to support them by evidence). The Nevada Supreme Court has held that the presence of the petitioner for habeas corpus relief is required at any evidentiary hearing conducted on the merits of the claim asserted in the petition. *See Gebers v. Nevada*, 118 Nev. 500 (2002).

4. The prohibition against ex parte communication requires that I be present at any hearing at which the state is present and at which issues concerning the claims raised in my petition are addressed. U.S. Const. amends. V, VI.

5. If a person incarcerated in a state prison is required or is requested to appear as a witness in any action, the Department of Corrections must be notified in writing not less than 7 business days before the date scheduled for his appearance in Court if the inmate is incarcerated in a prison located not more than 40 miles from Las Vegas. NRS 50.215(4). If a person is incarcerated in a prison located 41 miles or more from Las Vegas, the Department of Corrections must be notified in writing not less than 14 business days before the date scheduled for the person's appearance in Court.

6. High Desert State Prison is located approximately 40 miles from Las Vegas, Nevada.

7. If there is insufficient time to provide the required notice to the Department of Corrections for me to be transported to the hearing, I respectfully request that this Honorable Court order the Warden to make me available on the date of the scheduled appearance, by telephone, or video conference, pursuant to NRS 209.274(2)(a), so that I may provide relevant testimony and/or be present for the evidentiary hearing.

8. The rules of the institution prohibit me from placing telephone calls from the institution, except for collect calls, unless special arrangements are made with prison staff. Nev. Admin. Code DOC 718.01. However, arrangements for my telephone appearance can be made by contacting the following staff member at my institution: High Desert State Prison whose telephone number is 725-216-6789

Dated this 26 day of July, 2021.

Corey Johnson

In Proper Person

CERTIFICATE OF SERVICE BY MAILING

I, Corey Johnson, hereby certify, pursuant to NRCP 5(b), that on this 26 day of July, 2021, I mailed a true and correct copy of the foregoing, "Motion and Order to transport Inmate"

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid, addressed as follows:

Atty General
555 E Washington Ave
#3700
Las Vegas NV 89101

CC:FILE

DATED: this 26 day of July, 2021.

Corey Johnson
Corey Johnson #92007
/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding

Motion and Order to transport Inmate
(Title of Document)

filed in District Court Case number A-20-821716-W

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application for a federal or state grant.

Corey Johnson
Signature

7/26/21
Date

Corey Johnson
Print Name

Title

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding

Motion to transport Inmate
(Title of Document)

filed in District Court Case number A-20-821716-W

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application for a federal or state grant.

Corey Johnson
Signature

7/26/21
Date

Corey Johnson
Print Name

Title

Corey Johnson 95007
HDSP
P.O. Box 650
Indian Springs NV 89070

$001.50

Regional Justice Center
Attn. Clerks of Court Dept. 24
200 Lewis Ave
Las Vegas NV 89155

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CLERK OF THE COURT

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CLERK OF THE COURT

Corey Johnson
NDOC No. 95007
Corey Johnson
In proper person

IN THE 8th JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE
COUNTY OF Clark

Corey Johnson)
)
Petitioner,)
v.)
) Case No. A-20-821716-W
)
State of Nevada) Dept. No. 24
Respondent.)
)

MOTION AND ORDER FOR TRANSPORTATION
OF INMATE FOR COURT APPEARANCE
OR, IN THE ALTERNATIVE,
FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE

Petitioner, Corey Johnson, proceeding pro se, requests that this Honorable Court order transportation for his personal appearance or, in the alternative, that he be made available to appear by telephone or by video conference at the hearing in the instant case that is scheduled for September 7 2021 at 9:00 AM

RECEIVED
AUG 02 2021
CLERK OF THE COURT

In support of this Motion, I allege the following:

1. I am an inmate incarcerated at High Desert State Prison. My mandatory release date is 11/15/2022.

2. The Department of Corrections is required to transport offenders to and from Court if an inmate is required or requests to appear before a Court in this state.

NRS 209.274 Transportation of Offender to Appear Before Court states:

"1. Except as otherwise provided in this section, when an offender is required or requested to appear before a Court in this state, the Department shall transport the offender to and from Court on the day scheduled for his appearance.

2. If notice is not provided within the time set forth in NRS 50.215, the Department shall transport the offender to Court on the date scheduled for his appearance if it is possible to transport the offender in the usual manner for the transportation of offenders by the Department. If it is not possible for the Department to transport the offender in the usual manner:

(a) The Department shall make the offender available on the date scheduled for his appearance to provide testimony by telephone or by video conference, if so requested by the Court.

(b) The Department shall provide for special transportation of the offender to and from the Court, if the Court so orders. If the Court orders special transportation, it shall order the county in which the Court is located to reimburse the Department for any cost incurred for the special transportation.

(c) The Court may order the county sheriff to transport the offender to and from the Court at the expense of the county."

3. My presence is required at the hearing because:

☐ I AM NEEDED AS A WITNESS.

My petition raises substantial issues of fact concerning events in which I participated and about which only I can testify. *See U.S. v. Hayman*, 342 U.S. 205 (1952) (District Court erred when it made findings of fact concerning Hayman's knowledge and consent to his counsel's representation of a witness against Hayman without notice to Hayman or Hayman's presence at the evidentiary hearing).

☒ THE HEARING WILL BE AN EVIDENTIARY HEARING.

My petition raises material issues of fact that can be determined only in my presence. *See Walker v. Johnston*, 312 U.S. 275 (1941) (government's contention that allegations are improbable and unbelievable cannot serve to deny the petitioner an opportunity to support them by evidence). The Nevada Supreme Court has held that the presence of the petitioner for habeas corpus relief is required at any evidentiary hearing conducted on the merits of the claim asserted in the petition. *See Gebers v. Nevada*, 118 Nev. 500 (2002).

4. The prohibition against ex parte communication requires that I be present at any hearing at which the state is present and at which issues concerning the claims raised in my petition are addressed. U.S. Const. amends. V, VI.

5. If a person incarcerated in a state prison is required or is requested to appear as a witness in any action, the Department of Corrections must be notified in writing not less than 7 business days before the date scheduled for his appearance in Court if the inmate is incarcerated in a prison located not more than 40 miles from Las Vegas. NRS 50.215(4). If a person is incarcerated in a prison located 41 miles or more from Las Vegas, the Department of Corrections must be notified in writing not less than 14 business days before the date scheduled for the person's appearance in Court.

6. High Desert State Prison is located approximately 40 miles from Las Vegas, Nevada.

7. If there is insufficient time to provide the required notice to the Department of Corrections for me to be transported to the hearing, I respectfully request that this Honorable Court order the Warden to make me available on the date of the scheduled appearance, by telephone, or video conference, pursuant to NRS 209.274(2)(a), so that I may provide relevant testimony and/or be present for the evidentiary hearing.

8. The rules of the institution prohibit me from placing telephone calls from the institution, except for collect calls, unless special arrangements are made with prison staff. Nev. Admin. Code DOC 718.01. However, arrangements for my telephone appearance can be made by contacting the following staff member at my institution: High Desert State Prison CCS II Kolola, CCS II Yeats whose telephone number is 725-216-6789

Dated this 26th day of July, 2021.

Corey Johnson

In Proper Person

CERTFICATE OF SERVICE BY MAILING

I, Corey Johnson, hereby certify, pursuant to NRCP 5(b), that on this 26 day of July, 2021, I mailed a true and correct copy of the foregoing, "Motion And Order For Transport of Inmate"

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid, addressed as follows:

Nevada Atty General
555 E Washington
#3900
Las Vegas NV 89101

CC:FILE

DATED: this 26 day of July, 2021.

Corey Johnson #95007
/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

Corey Johnson 95007
HDSP
P.O. Box 650
Indian Springs NV 89070

$001.60

Regional Justice Center
Attn: Clerks of Court Dept. 24
200 Lewis Ave
Las Vegas NV 89155

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DISTRICT COURT

CLARK COUNTY, NEVADA

COREY JOHNSON, Petitioner, vs. STATE OF NEVADA, Respondents.	Case No. A-20-821716-W Dept. No. XXIV

DECISION AND ORDER

THIS CAUSE came before the Honorable Erika Ballou on July 20, 2021, for review of Corey Johnson's:

- *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* ("Motion") filed on May 13, 2021.
- *Emergency Motion for Expeditious Judicial Review, Petition to 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* ("Motion") filed on May 13, 2021.
- *Motion for Modification of Sentence, Petition for Expeditious Judicial Review/Evidence Review, Motion to Challenge Respondents Arguments, Motion to Vacate Sentence, Motion to Reconsider Habeas Corpus Grounds* ("Motion") filed on May 13, 2021.
- *Motion to Reconsider Ground of Due Process Violation, Motion to Review Argument and Evidence, Motion to Restore Credits that Parole Board Restored Pursuant to NRS 213.1519, Motion to Correct Errors in Decision and Order* ("Motion") filed on May 20, 2021.
- *Petition for Writ of Mandamus* ("Petition") filed on June 9, 2021.
- *Petition for Rehearing, Petition for Emergency Preliminary Injunction* ("Petition") filed on June 9, 2021.
- *Emergency Petition to Reopen Case for Introduction of Evidence, Motion to Request Rehearing of Petition* ("Petition") filed on June 17, 2021.
- *Amended Emergency Petition to Reopen Case to Correct Manifest Error of Law and Newly Discovered Evidence* ("Petition") filed on July 6, 2021.
- *Motion to Amend Legal Argument for Petition for Writ of Habeas Corpus* ("Motion") filed on July 22, 2021.
- *Amended Petition for Writ of Habeas Corpus* ("Petition") filed on July 22, 2021.

Respondents filed responses on May 20, 2021, and May 27, 2021. Respondents also filed two motions to dismiss on July 13, 2021. At the hearing, the Court did not entertain argument. Pursuant to NRS 34.770(2), the Court makes its decision based solely upon the pleadings without the need of an evidentiary hearing.

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

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

WHEREFORE THE COURT CONCLUDES that pursuant to NRS 34.810(2), a second or successive petition must be dismissed if the judge or justice determines that it fails to allege new or different grounds for relief and that the prior determination was on the merits or, if new and different grounds are 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. However, a petitioner can overcome the dismissal of his second or successive petition by pleading and proving specific facts that demonstrate good cause for failing to present his claims and actual prejudice. NRS 34.810(3).

WHEREFORE THE COURT FURTHER CONCLUDES that in his five motions and five petitions, Mr. Johnson is challenging the outcome of his parole revocation hearing and is requesting the recalculation and restoration of his forfeited prison credits from that same hearing. The same arguments in Johnson's five motions and five petitions were previously addressed in his Petition for Writ of Habeas Corpus in Case No. *A-20-821716-W*. On November 25, 2020, in Case No. *A-20-821716-W*, the district court issued a decision and order finding that Mr. Johnson violated the terms and conditions of his parole, his preliminary inquiry and parole revocation hearing did not violate his right to due process, his credits were properly forfeited, and he is not entitled to his original parole expiration dates. Because Mr. Johnson failed to allege new or different grounds for relief and the district court's prior determination of *A-20-821716-W* was on the merits, his ten successive pleadings are dismissed.

WHEREFORE THE COURT FURTHER CONCLUDES that even if Mr. Johnson claims he alleged new or different grounds for relief in his ten successive pleadings, he still failed to demonstrate

good cause and actual prejudice to excuse his failure of not presenting his claims in his original petition. *See Evans v. State,* 28 P.3d 498, 523 (2001) (Court must dismiss a habeas petition if it presents claims that either were or could have been presented in an earlier proceeding unless the court finds both cause for failing to present the claims earlier or for raising them again and actual prejudice to the petitioner). Since Mr. Johnson failed to challenge his current claims in his original petition, and did not demonstrate good cause and prejudice, he cannot use his current ten pleadings as a vehicle to challenge new and different grounds for relief. Due to Mr. Johnson's successive filings, he committed an abuse of writ and his five motions and five petitions are dismissed.

WHEREFORE THE COURT FURTHER CONCLUDES that Mr. Johnson continues to file frivolous pleadings challenging the constitutionality of his preliminary inquiry and parole revocation hearing along with challenging the calculation of his prison credits due to his parole violation. Mr. Johnson raised these same claims in the state district court in Case Nos. *10C263976, 10C264344, A-21-828907-W, A-21-828910-W, A-21-829138-W, A-21-830033-W, A-20-824136-W, A-20-822586-W, A-20-824942-W, A-20-821716-W, A-21-836421-W, A-21-836422-W,* and *A-21-836423-W.* In total, Mr. Johnson alleged the same claims in 13 state district court cases, 12 Nevada Supreme Court cases[1], and 1 federal district court case[2]. Although this Court continuously denied Mr. Johnson's request for relief, as to these same issues, Mr. Johnson continues to file multiple pleadings in this Court raising the exact same claims. Mr. Johnson is well-aware that his five motions and five petitions are not supported under existing law, and contains allegations for which evidentiary support is not available. *NRS 209.451(1)(d)(2) and (3).* Mr. Johnson not only burdened multiple courts with his frivolous filings, but he filed multiple pleadings for the sole purpose of harassing Respondents, caused unnecessary delay in the litigation, and increased the cost of the litigation by wasting judicial resources. *NRS 209.451(1)(d)(1).* Since Mr. Johnson's claims in his ten pleadings are not supported by governing law and/or lack evidentiary support and/or harassing, his pleadings are denied. Additionally, this Court will set this matter for a status check for possible referral to the Nevada Department of Corrections for appropriate sanctions. *See NRS*

---

[1] *See 83081, 83119, 83120, 83121, 82584, 82597, 83074, 82317, 82600, 82253, 82837,* and *83073.*

[2] *2:21-cv-00219-GMN-BNW*

209.451(1)(d) and (5), and NDOC AR 707[3].

THEREFORE, IT IS HEREBY ORDERED that Mr. Johnson's five motions and five petitions are DISMISSED.

IT IS SO ORDERED this _____ day of _____, 2021.

Dated this 31st day of August, 2021

The Honorable Erika Ballou
District Court Judge

179 BEB FB92 5FC8
Erika Ballou
District Court Judge

Submitted by:

AARON D. FORD
Attorney General

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

[3] Nevada Department of Corrections Administrative Regulation

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Corey Johnson, Plaintiff(s)	CASE NO: A-20-821716-W
vs.	DEPT. NO. Department 24
Nevada State of, Defendant(s)	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 8/31/2021

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

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9/3/2021 12:26 PM
Steven D. Grierson
CLERK OF THE COURT

NEOJ

DISTRICT COURT
CLARK COUNTY, NEVADA

COREY JOHNSON,

Petitioner,

vs.

STATE OF NEVADA,

Respondent,

Case No: A-20-821716-W

Dept. No: XXIV

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on August 31, 2021, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on September 3, 2021.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton
Amanda Hampton, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 3 day of September 2021, I served a copy of this Notice of Entry on the following:

☑ By e-mail:
Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

☑ The United States mail addressed as follows:
Corey Johnson # 95007
P.O. Box 650
Indain Springs, NV 89070

/s/ Amanda Hampton
Amanda Hampton, Deputy Clerk

Electronically Filed
08/31/2021 12:24 PM
CLERK OF THE COURT

DAO

DISTRICT COURT

CLARK COUNTY, NEVADA

COREY JOHNSON, Petitioner, vs. STATE OF NEVADA, Respondents.	Case No. A-20-821716-W Dept. No. XXIV

DECISION AND ORDER

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

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

WHEREFORE THE COURT CONCLUDES that pursuant to NRS 34.810(2), a second or successive petition must be dismissed if the judge or justice determines that it fails to allege new or different grounds for relief and that the prior determination was on the merits or, if new and different grounds are 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. However, a petitioner can overcome the dismissal of his second or successive petition by pleading and proving specific facts that demonstrate good cause for failing to present his claims and actual prejudice. NRS 34.810(3).

WHEREFORE THE COURT FURTHER CONCLUDES that in his five motions and five petitions, Mr. Johnson is challenging the outcome of his parole revocation hearing and is requesting the recalculation and restoration of his forfeited prison credits from that same hearing. The same arguments in Johnson's five motions and five petitions were previously addressed in his Petition for Writ of Habeas Corpus in Case No. *A-20-821716-W*. On November 25, 2020, in Case No. *A-20-821716-W*, the district court issued a decision and order finding that Mr. Johnson violated the terms and conditions of his parole, his preliminary inquiry and parole revocation hearing did not violate his right to due process, his credits were properly forfeited, and he is not entitled to his original parole expiration dates. Because Mr. Johnson failed to allege new or different grounds for relief and the district court's prior determination of *A-20-821716-W* was on the merits, his ten successive pleadings are dismissed.

WHEREFORE THE COURT FURTHER CONCLUDES that even if Mr. Johnson claims he alleged new or different grounds for relief in his ten successive pleadings, he still failed to demonstrate

good cause and actual prejudice to excuse his failure of not presenting his claims in his original petition. *See Evans v. State,* 28 P.3d 498, 523 (2001) (Court must dismiss a habeas petition if it presents claims that either were or could have been presented in an earlier proceeding unless the court finds both cause for failing to present the claims earlier or for raising them again and actual prejudice to the petitioner). Since Mr. Johnson failed to challenge his current claims in his original petition, and did not demonstrate good cause and prejudice, he cannot use his current ten pleadings as a vehicle to challenge new and different grounds for relief. Due to Mr. Johnson's successive filings, he committed an abuse of writ and his five motions and five petitions are dismissed.

WHEREFORE THE COURT FURTHER CONCLUDES that Mr. Johnson continues to file frivolous pleadings challenging the constitutionality of his preliminary inquiry and parole revocation hearing along with challenging the calculation of his prison credits due to his parole violation. Mr. Johnson raised these same claims in the state district court in Case Nos. *10C263976, 10C264344, A-21-828907-W, A-21-828910-W, A-21-829138-W, A-21-830033-W, A-20-824136-W, A-20-822586-W, A-20-824942-W, A-20-821716-W, A-21-836421-W, A-21-836422-W,* and *A-21-836423-W.* In total, Mr. Johnson alleged the same claims in 13 state district court cases, 12 Nevada Supreme Court cases[1], and 1 federal district court case[2]. Although this Court continuously denied Mr. Johnson's request for relief, as to these same issues, Mr. Johnson continues to file multiple pleadings in this Court raising the exact same claims. Mr. Johnson is well-aware that his five motions and five petitions are not supported under existing law, and contains allegations for which evidentiary support is not available. *NRS 209.451(1)(d)(2) and (3).* Mr. Johnson not only burdened multiple courts with his frivolous filings, but he filed multiple pleadings for the sole purpose of harassing Respondents, caused unnecessary delay in the litigation, and increased the cost of the litigation by wasting judicial resources. *NRS 209.451(1)(d)(1).* Since Mr. Johnson's claims in his ten pleadings are not supported by governing law and/or lack evidentiary support and/or harassing, his pleadings are denied. Additionally, this Court will set this matter for a status check for possible referral to the Nevada Department of Corrections for appropriate sanctions. *See NRS*

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[1] *See 83081, 83119, 83120, 83121, 82584, 82597, 83074, 82317, 82600, 82253, 82837,* and *83073.*

[2] *2:21-cv-00219-GMN-BNW*

209.451(1)(d) and (5), and NDOC AR 707[3].

THEREFORE, IT IS HEREBY ORDERED that Mr. Johnson's five motions and five petitions are DISMISSED.

IT IS SO ORDERED this _____ day of _____, 2021.

Dated this 31st day of August, 2021

The Honorable Erika Ballou
District Court Judge

179 BEB FB92 5FC8
Erika Ballou
District Court Judge

Submitted by:

AARON D. FORD
Attorney General

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

[3] Nevada Department of Corrections Administrative Regulation

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Corey Johnson, Plaintiff(s)	CASE NO: A-20-821716-W
vs.	DEPT. NO. Department 24
Nevada State of, Defendant(s)	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 8/31/2021

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

Electronically Filed
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CLERK OF THE COURT

DAO

DISTRICT COURT

CLARK COUNTY, NEVADA

COREY JOHNSON, Petitioner, vs. STATE OF NEVADA, Respondents.	Case No. A-20-821716-W Dept. No. XXIV

DECISION AND ORDER

THIS CAUSE came before the Honorable Erika Ballou on August 25, 2021, for a status check on the following issue. Whether this Court will refer Petitioner Corey Johnson ("Mr. Johnson") to the Nevada Department of Corrections for appropriate sanctions under NRS 209.451(1)(d), NRS 209.451(5), and NDOC AR 707[1]. Mr. Johnson was present and appeared via video from the Clark County Detention Center. Deputy Attorney General Katrina Samuels appeared on behalf of the Nevada Department of Corrections via Blue Jeans. This Court entertained oral argument and made its decision based upon the arguments and pleadings.

THE COURT FINDS that Mr. Johnson challenges the outcome of his parole revocation hearing and requests the recalculation and restoration of his forfeited prison credits from that same hearing. Specifically, Mr. Johnson presented these arguments in Case Nos. *10C263976, 10C264344, A-21-828907-W, A-21-828910-W, A-21-829138-W, A-21-830033-W, A-20-824136-W, A-20-822586-W, A-20-824942-W, A-20-821716-W, A-21-836421-W, A-21-836422-W,* and *A-21-836423-W.* Mr. Johnson also

/ / /

[1] Nevada Department of Corrections Administrative Regulation.

repeatedly raised these claims in the Nevada Supreme Court[2] and the federal district court[3] while his district court cases were still pending.

THE COURT FURTHER FINDS that the district court previously addressed Mr. Johnson's arguments and denied them on the merits. *See Case Nos. A-20-821716-W and A-20-822586-W.* Even though the court denied Mr. Johnson's arguments on the merits, Mr. Johnson continually filed successive habeas pleadings that are procedurally barred under NRS 34.810(2). *See Case Nos. A-21-828907-W, A-21-828910-W, A-21-829138-W, A-21-830033-W, A-20-824136-W, A-20-822586-W, A-20-824942-W, A-20-821716-W, A-21-836421-W, A-21-836422-W*, and *A-21-836423-W.* Not only were Mr. Johnson's claims procedurally barred, but he failed to demonstrate good cause for failing to present his new or different claims and actual prejudice under NRS 34.810(3). *Id.; See Evans v. State,* 28 P.3d 498, 523 (2001) (Court must dismiss a habeas petition if it presents claims that either were or could have been presented in an earlier proceeding unless the court finds both cause for failing to present the claims earlier or for raising them again and actual prejudice to the petitioner). As a result, the district court dismissed Mr. Johnson's successive pleadings and determined he committed an abuse of writ.

WHEREFORE THE COURT CONCLUDES that not only are Mr. Johnson's claims procedurally barred under NRS 34.810(2) and NRS 34.810(3), but they are not supported under existing law and contain allegations for which evidentiary support is not available. *See NRS 209.451(1)(d)(2) and (3).* Mr. Johnson not only burdened multiple courts with his frivolous filings, but he filed multiple pleadings for the sole purpose of harassing Respondents, caused unnecessary delay in the litigation, and increased the cost of the litigation by wasting judicial resources. *See NRS 209.451(1)(d)(1).*

WHEREFORE THE COURT FURTHER CONCLUDES that Mr. Johnson will not be referred to the Nevada Department of Corrections for appropriate sanctions under NRS 209.451(1)(d), NRS 209.451(5), and NDOC AR 707[4]. However, this Court will refer Mr. Johnson for sanctions if he raises

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[2] *See Case Nos. 83081, 83119, 83120, 83121, 82584, 82597, 83074, 82317, 82600, 82253, 82837,* and *83073.*

[3] *See Case No. 2:21-cv-00219-GMN-BNW*

[4] This Court is aware that it cannot impose sanctions upon Mr. Johnson in habeas proceedings. Also, this Court is aware that it cannot punish Mr. Johnson for filing multiple pleadings in habeas proceedings. However, this court can make recommendations for sanctions to the Nevada Department of Corrections.

claims challenging his 2020 preliminary inquiry, his 2020 parole revocation, and the calculation of his prison credits from the outcome of both proceedings in any of his future pleadings.

IT IS SO ORDERED this 8th day of September, 2021.

Dated this 8th day of September, 2021

The Honorable Erika Ballou
District Court Judge

FBB 3EB 86E0 6235
Erika Ballou
District Court Judge

Submitted by:

AARON D. FORD
Attorney General

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

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Corey Johnson, Plaintiff(s)	CASE NO: A-20-821716-W
vs.	DEPT. NO. Department 24
Nevada State of, Defendant(s)	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 9/8/2021

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

Electronically Filed
9/21/2021 11:52 AM
Steven D. Grierson
CLERK OF THE COURT

Corey Johnson / IN Proper Person
P.O. Box 650
Indian Springs Nv 89070

8th District Court
Clark County Nevada

Corey Johnson
Petitioner

v

State of Nevada
Respondent

Case No. A-20-821716-W
Dept No. 24

Notice of Appeal

Notice is hereby given that the Petitioner Corey Johnson, by and through himself in proper person, does Now Appeal to the Supreme Court of the State of Nevada, the decision of the District Court denying Motion to Reconsider Ground of Due Process Violation; Motion to Correct Errors in Decision and Order; Petition to Reconsider Habeas Corpus Grounds, Petition for Expeditious Judicial Review; Motion to Vacate Sentence; Motion to Suspend or Modify Sentence; Motion to Restore Unlawfully Forfeited Credits. Petition to Correct Prosecutorial Misconduct / Error.

Dated this September 13 2021

Respectfully Submitted

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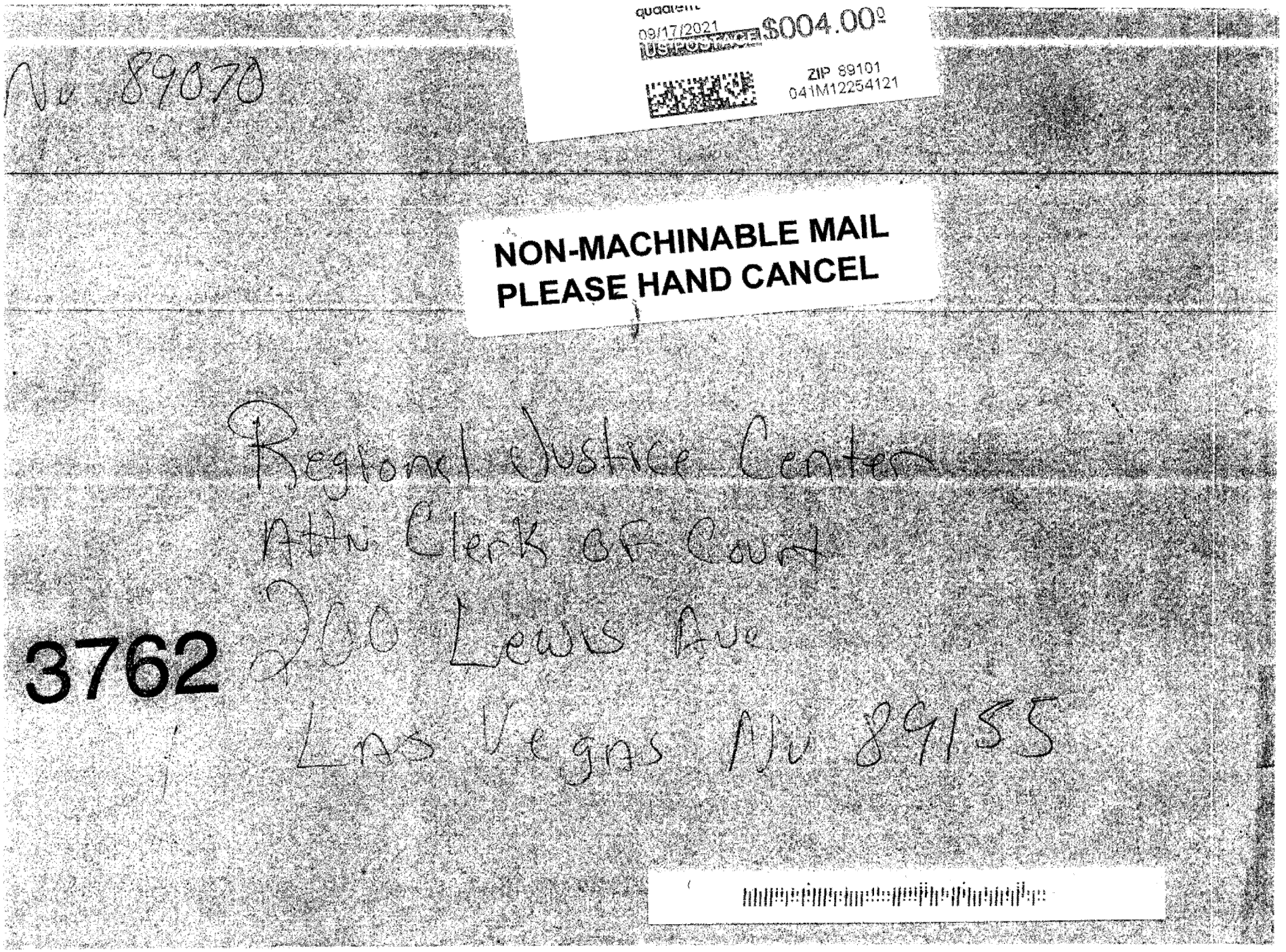
CLERK OF THE COURT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Steven D. Grierson
CLERK OF THE COURT

ASTA

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

COREY JOHNSON,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

Case No: A-20-821716-W

Dept No: XXIV

CASE APPEAL STATEMENT

1. Appellant(s): Corey Johnson

2. Judge: Erika Ballou

3. Appellant(s): Corey Johnson

Counsel:

Corey Johnson #95007
P.O. Box 650
Indian Springs, NV 89070

4. Respondent (s): State of Nevada

Counsel:

Aaron D. Ford, Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101-1068

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

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

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

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

8. Appellant Granted Leave to Proceed in Forma Pauperis**: Yes, September 25, 2021
***Expires 1 year from date filed*
Appellant Filed Application to Proceed in Forma Pauperis: N/A
Date Application(s) filed: N/A

9. Date Commenced in District Court: September 23, 2021

10. Brief Description of the Nature of the Action: Civil Writ

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

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 82253, 82837, 83073

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 22 day of September 2021.

Steven D. Grierson, Clerk of the Court

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

cc: Corey Johnson

DISTRICT COURT
CLARK COUNTY, NEVADA

Writ of Habeas Corpus	**COURT MINUTES**	**November 20, 2020**

A-20-821716-W Corey Johnson, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

November 20, 2020 **3:00 AM** **Petition for Writ of Habeas Corpus**

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

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- COURT ORDERED Petitioner s Petition for Writ of Habeas Corpus is hereby DENIED WITHOUT PREJUDICE, FINDING: (1) Petitioner violated the terms and conditions of his parole by absconding; (2) Petitioner was afforded due process during his preliminary hearing and parole violation hearing; and (3) Petitioner is not entitled to his original parole expiration date or the restoration of credits he earned during his absconding in conformity with NRS 213.15185.

CLERK'S NOTE: A copy of this minute order was e-mailed to: Allison Herr, DAG [aherr@ag.nv.gov] and Rikki Garate, DAG [rgarate@ag.nv.gov]. A copy of this minute order was mailed to: Corey Johnson #95007 [High Desert State Prison P.O. Box 650 Indian Springs, NV 89070]. (KD 11/23/2020)

DISTRICT COURT
CLARK COUNTY, NEVADA

Writ of Habeas Corpus	**COURT MINUTES**	**November 23, 2020**

A-20-821716-W Corey Johnson, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

November 23, 2020 **3:00 AM** **Minute Order**

HEARD BY: Villani, Michael **COURTROOM:** Chambers

COURT CLERK: Samantha Albrecht

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Pursuant to EDCR 1.31 Criminal Presiding Judge (b) (4) and for good cause appearing that due to the matter being deemed a Time Computation hereby randomly assigned to Department 15, for the Petition for Writ of Habeas Corpus.

DISTRICT COURT
CLARK COUNTY, NEVADA

Writ of Habeas Corpus	**COURT MINUTES**	**April 15, 2021**

A-20-821716-W Corey Johnson, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

April 15, 2021 **3:00 AM** **Motion for Appointment of Attorney**

HEARD BY: Ballou, Erika **COURTROOM:** Chambers

COURT CLERK: Ro'Shell Hurtado

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Pursuant to NRS 34.750, Petitioner s Motion for Appointment of Attorney is hereby GRANTED.

CLERK'S NOTE: This Minute Order was mailed to: Corey Johnson #95007, P.O.Box 650, Indian Springs, NV, 89070.//04.15.21rh

DISTRICT COURT
CLARK COUNTY, NEVADA

Writ of Habeas Corpus	**COURT MINUTES**	**June 15, 2021**

A-20-821716-W Corey Johnson, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

June 15, 2021 **9:00 AM** **All Pending Motions**

HEARD BY: Ballou, Erika **COURTROOM:** RJC Courtroom 12C

COURT CLERK:
Ro'Shell Hurtado

RECORDER: Susan Schofield

REPORTER:

PARTIES PRESENT: Samuels, Katrina A Attorney

JOURNAL ENTRIES

- Katrina Samuels, Esq. present via Bluejeans video conference.

Pllaintiff's Motion for Modification of Sentence "Petition for Expeditious Judicial Review/Evidence Review" "Motion to Challenge Respondents Arguments' "Motion to Vacate Sentence" "Motion to Reconsider Habeas Corpus Grounds"...Plaintiff's 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...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...

The Court noted it would allow the State to file a response; ORDERED, Response filed by 07.27.21; matter SET for argument.

08.03.2021 9:00 AM ARGUMENT

DISTRICT COURT
CLARK COUNTY, NEVADA

Writ of Habeas Corpus	**COURT MINUTES**	**June 28, 2021**

A-20-821716-W Corey Johnson, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

June 28, 2021 **7:50 AM** **Minute Order**

HEARD BY: Ballou, Erika **COURTROOM:** Chambers

COURT CLERK:
Ro'Shell Hurtado

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- The Court, having determined that a response from the State would be helpful in resolving this matter, hereby takes the matter off calendar for the State to file its response. The state s response is due by August 31, 2021. Argument will be heard on September 7, 2021, if necessary. If the Court determines that argument is not necessary, an order will issue prior to the date set for argument.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Ro'Shell Hurtado, to all registered parties for Odyssey File & Serve; mailed to Corey Johnson #95007, P.O.Box 650, Indian Springs, NV, 89070.//06.28.21rh

DISTRICT COURT
CLARK COUNTY, NEVADA

Writ of Habeas Corpus	**COURT MINUTES**	**July 12, 2021**

A-20-821716-W Corey Johnson, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

July 12, 2021 **8:00 AM** **Minute Order**

HEARD BY: Ballou, Erika **COURTROOM:** Chambers

COURT CLERK:
Ro'Shell Hurtado

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Pursuant to NRS 34.750, Petitioners Motion for Appointment of Attorney is hereby DENIED.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Ro'Shell Hurtado, to all registered parties for Odyssey File & Serve: Mailed to: Corey Johnson #95007, P.O.Box 650, Indian Springs, NV, 89070.//rh

DISTRICT COURT
CLARK COUNTY, NEVADA

Writ of Habeas Corpus	**COURT MINUTES**	**July 20, 2021**

A-20-821716-W Corey Johnson, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

July 20, 2021 **10:30 AM** **Motion**

HEARD BY: Ballou, Erika **COURTROOM:** RJC Courtroom 12C

COURT CLERK:
Ro'Shell Hurtado

RECORDER: Susan Schofield

REPORTER:

PARTIES PRESENT: Samuels, Katrina A Attorney

JOURNAL ENTRIES

- Katrina Samuels, Esq. present via Bluejeans video conference.

COURT ORDERED, Plaintiff's Emergency Petition to Reopen Case for Introduction of Evidence; Motion to Request Rehearing of Petition DENIED per Attorney General's response. Colloquy regarding sanctions for abusing writs. Following colloquy, COURT ORDERED, matter SET for status check: sanctions; advised AG's office to prepare order for transport.

08.25.2021 8:30 AM STATUS CHECK: SANCTIONS

DISTRICT COURT
CLARK COUNTY, NEVADA

Writ of Habeas Corpus	**COURT MINUTES**	**July 30, 2021**

A-20-821716-W Corey Johnson, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

July 30, 2021 **7:30 AM** **Minute Order**

HEARD BY: Ballou, Erika **COURTROOM:** Chambers

COURT CLERK:
Ro'Shell Hurtado

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- The Court having heard argument or having decided all pending matters without argument, the argument scheduled for August 3, 2021, is hereby VACATED.

CLERK'S NOTE: This Minute Order was electronically filed by Courtroom Clerk, Ro'Shell Hurtado, to all registered parties for Odyssey File & Serve: Mailed to: Corey Johnson #95007, P.O.Box 650, Indian Springs, NV, 89070.//rh07.30.21

DISTRICT COURT
CLARK COUNTY, NEVADA

Writ of Habeas Corpus	**COURT MINUTES**	**August 24, 2021**

A-20-821716-W Corey Johnson, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

August 24, 2021 **9:00 AM** **All Pending Motions**

HEARD BY: Ballou, Erika **COURTROOM:** RJC Courtroom 12C

COURT CLERK:
Ro'Shell Hurtado

RECORDER: Susan Schofield

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Motion to Dismiss Petition for Writ of Mandamus, Petition for Rehearing, Emergency Petition to Reopen Case, and Amended Emergency Petition to Reopen Case...Motion to Dismiss Emergency Motion to Correct Prosecutorial Misconduct/Error, Motion for Modification of Sentence, Emergency Motion for expeditious Judicial Review, and Motion to Reconsider Ground of Due Process Violation...

COURT ORDERED, Motion to Dismiss Petition for Writ of Mandamus, Petition for Rehearing, Emergency Petition to Reopen Case, and Amended Emergency Petition to Reopen Case; Motion to Dismiss Emergency Motion to Correct Prosecutorial Misconduct/Error, Motion for Modification of Sentence, Emergency Motion for expeditious Judicial Review, and Motion to Reconsider Ground of Due Process Violation GRANTED; Plaintiff's Motion to Amend Petition for Writ of Habeas Corpus VACATED.

CLERK'S NOTE: This Minute Order was electronically filed by Courtroom Clerk, Ro'Shell Hurtado, to all registered parties for Odyssey File & Serve: Mailed to: Corey Johnson #95007, P.O.Box 650, Indian Springs, NV, 89070.//rh08.31.21

DISTRICT COURT
CLARK COUNTY, NEVADA

Writ of Habeas Corpus	**COURT MINUTES**	**August 25, 2021**

A-20-821716-W Corey Johnson, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

August 25, 2021 **8:30 AM** **Status Check**

HEARD BY: Ballou, Erika **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Ro'Shell Hurtado

RECORDER: Susan Schofield

REPORTER:

PARTIES PRESENT:

Johnson, Corey	Plaintiff
Samuels, Katrina A	Attorney

JOURNAL ENTRIES

- Katrina Samuels, Esq. present via Bluejeans video conference. Deft. present in-custody via Bluejeans video conference.

The Court ADVISED Plaintiff multiple petitions could be found to equate to burdening multiple courts with frivolous filings for the sole purpose of harassing Defendant, causing unnecessary delay in the litigation, and increasing the cost of the litigation by wasting judicial resources; further ADVISED there would be sanctions if the filing continues.

NDC

CLERK'S NOTE: This Minute Order was electronically filed by Courtroom Clerk, Ro'Shell Hurtado, to all registered parties for Odyssey File & Serve: Mailed to: Corey Johnson #95007, P.O.Box 650, Indian Springs, NV, 89070.//rh08.31.21

Certification of Copy and Transmittal of Record

State of Nevada
County of Clark } **SS:**

Pursuant to the Supreme Court order dated October 13, 2021, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises four volumes with pages numbered 1 through 959.

COREY JOHNSON,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

Case No: A-20-821716-W

Dept. No: XXIV

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 18 day of October 2021.

Steven D. Grierson, Clerk of the Court

Heather Ungermann, Deputy Clerk