

# IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed  
Aug 05 2021 12:44 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

DAINE ANTON CRAWLEY,  
Appellant(s),

vs.

BRIAN WILLIAMS, WARDEN, HIGH  
DESERT STATE PRISON,  
Respondent(s),

Case No: C-19-341735-1  
*Related Case A-20-816041-W*  
Docket No: 83136

# RECORD ON APPEAL VOLUME 1

**ATTORNEY FOR APPELLANT**  
DAINE CRAWLEY # 1167447,  
PROPER PERSON  
P.O. BOX 7007  
CARSON CITY, NV 89702

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

**I N D E X**

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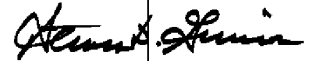
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CLERK OF THE COURT

**JUSTICE COURT, LAS VEGAS TOWNSHIP**  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

DAINE ANTON CRAWLEY,

Defendant

District Court Case No.: C-19-341735-1  
Dept.: VI

Justice Court Case No.: 19F11843X

**CERTIFICATE**

I hereby certify the foregoing to be a full, true and correct copy of the proceedings as  
the same appear in the above case.

Dated this 11th day of July, 2019



Justice of the Peace, Las Vegas Township

1  
2 **JUSTICE COURT, LAS VEGAS TOWNSHIP**  
3 **CLARK COUNTY, NEVADA**

4 STATE OF NEVADA,

5 Plaintiff,

6 vs.

7 DAINÉ ANTON CRAWLEY

8 Defendant  
9

District Court Case No.:

Justice Court Case No.: 19F11843X

10 **BINDOVER and ORDER TO APPEAR**

11 An Order having been made this day by me that **DAINE ANTON CRAWLEY** be  
12 held to answer before the Eighth Judicial District Court, upon the charge(s) of **Assault,**  
13 **w/DW [50201]; Carry conceal expl/gun/dang weap w/o prmt [51459]** committed in said  
14 Township and County, on or about June 12, 2019 .

15 **IT IS FURTHER ORDERED** that said defendant is commanded to appear in the  
16 Eighth Judicial District Court, Regional Justice Center, Lower Level Arraignment  
17 Courtroom "A", Las Vegas, Nevada on July 15, 2019 at 10:00 AM for arraignment and  
18 further proceedings on the within charge(s).

19 **IT IS FURTHER ORDERED** that the Sheriff of the County of Clark is hereby  
20 commanded to receive the above named defendant(s) into custody, and detain said  
21 defendant(s) until he/she can be legally discharged, and be committed to the custody of the  
22 Sheriff of said County, until bail is given in the sum of \$5,000/5,000 total.

23 Dated this 11th day of July, 2019

24 

25 Justice of the Peace, Las Vegas Township  
26  
27  
28

ORIGINAL

LAS VEGAS JUSTICE COURT  
FILED IN OPEN COURT

JUSTICE COURT, LAS VEGAS TOWNSHIP  
CLARK COUNTY, NEVADA

JUN 17 2019

BY RSP

THE STATE OF NEVADA,

Plaintiff,

-VS-

DAINE ANTON CRAWLEY #7031173,

Defendant.

CASE NO: 19F11843X

DEPT NO: 7

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201) and CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON (Category C Felony - NRS 202.350 (1)(d)(3) - NOC 51459), in the manner following, to wit: That the said Defendant, on or about the 12th day of June, 2019, at and within the County of Clark, State of Nevada,

COUNT 1 - ASSAULT WITH A DEADLY WEAPON

did willfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully attempt to use physical force against another person, to wit: MATTHEW HAWKINS, with use of a deadly weapon, to wit: a knife, by Defendant threatening the said MATTHEW HAWKINS with the said knife.

COUNT 2 - CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON

did then and there willfully, unlawfully and feloniously carry concealed upon his person, a firearm or other deadly weapon, to wit: a knife.

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.

Brian Ue  
06/14/19

19F11843X/ew  
LVMPD EV# 190600056903  
(TK7)

19F11843X  
CRM  
Criminal Complaint  
11062611



W:\2019\2019F11843\19F11843-COMP-001.DOCX

LAS VEGAS JUSTICE COURT  
FILED IN OPEN COURT

JUN 13 2018

RS

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 07

**Court Minutes**



L011063125

**19F11843X State of Nevada vs. CRAWLEY, DAINE ANTON**

Lead Atty: Public Defender

**6/17/2019 7:30:00 AM 72 Hour Hearing (in custody)**

Result: Matter Heard

<b>PARTIES PRESENT:</b>	State Of Nevada	Getler, Stephanie
	Attorney	Public Defender
	Attorney	Schmidt, Robert Jennings
	Defendant	CRAWLEY, DAINE ANTON

**Judge:** Bennett-Haron, Karen P.

**Court Reporter:** Ott, Shawn

**Court Clerk:** Powers, Rissa

**PROCEEDINGS**

<b>Attorneys:</b>	<b>Public Defender</b>	CRAWLEY, DAINE ANTON	Added
	<b>Schmidt, Robert Jennings</b>	CRAWLEY, DAINE ANTON	Added

<b>Hearings:</b>	7/1/2019 9:00:00 AM: Preliminary Hearing	Added
------------------	--	-------

**Events:** **Criminal Complaint**  
*Filed in open Court*

**Initial Appearance Completed**  
*Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint*

**Public Defender Appointed**

**Motion by Defense for an O.R. Release**  
*and stay away order. Objection to said motion by State. State requests bail to stand. Motion denied for own recognizance release.*

**Release Order - Electronic Monitoring - Low Level**

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 07

**Court Minutes**



L011101339

**19F11843X State of Nevada vs. CRAWLEY, DAINE ANTON**

Lead Atty: Public Defender

**6/25/2019 7:30:00 AM House Arrest Review (Low  
Level Electronic Monitoring)**

Result: Bench Warrant Issued

<b>PARTIES</b>	State Of Nevada	Stanton, David
<b>PRESENT:</b>	Attorney	Public Defender
	Attorney	Schmidt, Robert Jennings

**Judge:** Bennett-Haron, Karen P.

**Court Reporter:** O'Neill, Jennifer

**Court Clerk:** Powers, Rissa

**PROCEEDINGS**

<b>Hearings:</b>	7/1/2019 9:00:00 AM: Preliminary Hearing	Canceled
------------------	--	----------

**Events:**     **Custody Comment**  
*Per House Arrest memorandum, Defendant failed to maintain charge on low level electronic monitoring device and cannot be tracked.*

**Bench Warrant Ordered Issued - Defendant Failed to Appear**  
*\$5,000/5,000 total*

**Future Court Date Vacated**  
*7/1/19 at 9 am*

**Not in custody**  
*Counts: 001; 002*

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 07

**Court Minutes**



L011119512

**19F11843X State of Nevada vs. CRAWLEY, DAINE ANTON**

Lead Atty: Public Defender

**6/28/2019 7:30:00 AM Bench Warrant Return  
Hearing (In Custody)**

Result: Matter Heard

**PARTIES**  
**PRESENT:** State Of Nevada Clowers, Shanon  
Attorney Ross, Katrina  
Attorney Public Defender

**Judge:** Bennett-Haron, Karen P.

**Court Reporter:** O'Neill, Jennifer

**Court Clerk:** Powers, Rissa

**PROCEEDINGS**

**Attorneys:** Ross, Katrina CRAWLEY, DAINE ANTON Added

**Hearings:** 7/11/2019 9:00:00 AM: Preliminary Hearing Added

**Events:** Defendant not Transported

*Refusal*

**Court reviews history of case**

**Bail Stands - Cash or Surety** Amount: \$5,000.00

*Counts: 001; 002 - \$5,000.00/\$5,000.00 Total Bail*

**Release Order - from Electronic Monitoring**

*Low level*

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 07

**Court Minutes**



L011174892

**19F11843X State of Nevada vs. CRAWLEY, DAINE ANTON**

Lead Atty: Public Defender

**7/11/2019 9:00:00 AM Preliminary Hearing (In custody)**

Result: Matter Heard

<b>PARTIES PRESENT:</b>	State Of Nevada	Stanton, David
	Attorney	Ballou, Erika D.
	Attorney	Public Defender
	Defendant	CRAWLEY, DAINE ANTON

**Judge:** Bennett-Haron, Karen P.

**Court Reporter:** O'Neill, Jennifer

**Court Clerk:** Powers, Rissa

**PROCEEDINGS**

**Attorneys:** **Ballou, Erika D.** CRAWLEY, DAINE ANTON Added

**Events:** **Defendant to be released OR at entry of plea**

*in District Court*

**Unconditional Bind Over to District Court**

Review Date: 7/12/2019

*Defendant unconditionally waives right to Preliminary Hearing. Defendant Bound Over to District Court as Charged. Defendant to Appear in the Lower Level Arraignment Courtroom A.*

**District Court Appearance Date Set**

*Jul 15 2019 10:00AM: In custody*

**Bail Stands - Cash or Surety**

*Amount: \$5,000.00*

*Counts: 001; 002 - \$5,000.00/\$5,000.00 Total Bail*

**Case Closed - Bound Over**

**Plea/Disp:** **001: Assault, w/DW [50201]**

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

**002: Carry conceal expl/gun/dang weap w/o prmt [51459]**

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

**Justice Court, Las Vegas Township  
Clark County, Nevada**

**Court Minutes**

Department: PC



L011050446

**PC19F11843X State of Nevada vs. CRAWLEY, DAINE ANTON**

**6/13/2019 1:30:00 PM Initial Appearance Justice  
Court (PC Review)**

Result: Matter Heard

**PARTIES** State Of Nevada Walsh, Jessica  
**PRESENT:**

**Judge:** Senior/Visiting, Judge

**Court Reporter:** Murray, Loree

**Senior/Visiting  
Judge:** Oesterle, Nancy

**Court Clerk:** Montrone, Lauren

**PROCEEDINGS**

**Hearings:** 6/17/2019 7:30:00 AM: 72 Hour Hearing

Added

**Events:** **Defendant not Transported**

*not processed*

**Probable Cause Found**

**Counsel Provisionally Appointed**

*Tracy Ip, Esq. Public Defender provisionally appointed for limited purposes of first appearance hearing.*

**Bail Argument Heard**

*The Court has heard arguments from the prosecution and defense counsel regarding custody of the Defendant*

**Bail Stands - Cash or Surety** Amount: \$5,000.00

*Counts: 001 - \$5,000.00/\$5,000.00 Total Bail*

**Continued for Status Check on filing of Criminal  
Complaint**

**Las Vegas Justice Court: Department 70**

LVJC\_RW\_Criminal\_MinuteOrderByEventCode

Case PC19F11843X Prepared By: kuszakr

6/13/2019 3:14 PM

**OFFICIAL COURT DATE**  
**JUSTICE COURT LAS VEGAS TOWNSHIP**  
**REGIONAL JUSTICE CENTER**  
**200 LEWIS AVE**  
**LAS VEGAS, NV 89155**  
**www.LasVegasJusticeCourt.us**



Date Released: 6-20-2019 Case #: 19F11843X

ID#: 7031173

Defendant: CRAWLEY, DAINE  
(Last Name) (First Name)

2500 W Washington NV 702-349-9435  
Address State Zip Phone # Home/Cell

Is hereby notified that your court date is set for 7-1-2019 Department #: 7

Time: ☐ 7:30 a.m.  
☐ 7:45 a.m.  
☐ 8:00 a.m.  
☐ 8:30 a.m.  
☒ 9:00 a.m.  
☐ 9:30 a.m.  
☐ 10:00 a.m.  
☐ 11:00 a.m.  
☐ 1:00 p.m.  
☐ 1:30 p.m.  
☐ Other: \_\_\_\_\_

Release Type:	<input type="checkbox"/>	48 Hour Delay	<input type="checkbox"/>	NCF Release
	<input type="checkbox"/>	Cash Bond Release	<input type="checkbox"/>	No PC
	<input type="checkbox"/>	C.C.D.C. O.R.	<input type="checkbox"/>	No Criminal Complaint
	<input type="checkbox"/>	Court Ordered Release	<input type="checkbox"/>	O.R. Release
	<input type="checkbox"/>	D.A.R.F. Release	<input type="checkbox"/>	SCRAM
	<input checked="" type="checkbox"/>	House Arrest	<input type="checkbox"/>	Sentenced/Fined
	<input type="checkbox"/>	IAD Release	<input type="checkbox"/>	Treatment Program

**APPROPRIATE COURTROOM ATTIRE REQUIRED**

**NO SHORTS, HALTER TOPS OR TANK TOPS**

**(NO FOOD OR DRINK PERMITTED)**

JC-11 (PreTrial Services)

Distribution

Rev. 3/19

White-Court Canary-Jail Pink-Defendant

WARRANT ELECTRONICALLY GENERATED AND ENTERED INTO NCJIS  
\*\*\* DO NOT MANUALLY ENTER INTO NCJIS \*\*\*

JUSTICE COURT, LAS VEGAS TOWNSHIP  
CLARK COUNTY NEVADA  
-----

THE STATE OF NEVADA	)	CASE NO: 19F11843X
	)	
PLAINTIFF	)	DEPT. NO: 7
VS.	)	
	)	AGENCY: METRO
CRAWLEY, DAINE ANTON	)	
ID# 07031173	)	
	)	
DEFENDANT	)	BENCH WARRANT
	)	-----

THE STATE OF NEVADA,

TO: ANY SHERIFF, CONSTABLE, MARSHALL, POLICEMAN, OR PEACE OFFICER  
IN THIS STATE:

THE DEFENDANT, CRAWLEY, DAINE ANTON, HAVING BEEN ORDERED  
TO APPEAR BEFORE THE ABOVE ENTITLED COURT ON THE 25TH DAY OF JUNE,  
2019, ON THE FOLLOWING CHARGES:

COUNTS	CHARGE	BAIL: CASH	SURETY	PROPERTY
1	ASSAULT, W/DW	5,000.00	5,000.00	
1	CARRY CONCEAL WEAPON W			

AND THE DEFENDANT HAVING FAILED TO APPEAR AT SAID TIME AND PLACE;

YOU ARE, THEREFORE, COMMANDED FORTHWITH TO ARREST THE ABOVE NAMED  
DEFENDANT, CRAWLEY, DAINE ANTON, AND BRING HIM BEFORE THIS  
COURT, OR IF THE COURT HAS ADJOURNED, THAT YOU DELIVER HIM INTO THE  
CUSTODY OF THE SHERIFF OF THE COUNTY OF CLARK.

THIS WARRANT MAY BE SERVED AT ANY HOUR OF THE DAY OR NIGHT.

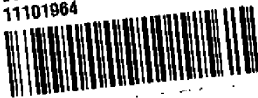
GIVEN UNDER MY HAND THIS 25TH DAY OF JUNE, 2019.

*Karen Bennett Haron*  
\_\_\_\_\_  
JUSTICE OF THE PEACE IN AND FOR SAID TOWNSHIP  
KAREN BENNETT-HARON

SHERIFF'S RETURN  
-----

I HEREBY CERTIFY THAT I RECEIVED THE ABOVE AND FOREGOING BENCH WARRANT  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, AND SERVED THE SAME BY  
ARRESTING AND BRINGING DEFENDANT, \_\_\_\_\_, INTO COU  
COURT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_.

19F11843X  
BWF  
Bench Warrant - Face Sheet  
11101964



JOSEPH LOMBARDO, SHERIFF, CLARK COUNTY, NEVADA

BY: \_\_\_\_\_, DEPUTY

THIS SEALED  
DOCUMENT,  
NUMBERED PAGE(S)  
12 - 41  
WILL FOLLOW VIA  
U.S. MAIL



1 INFM  
STEVEN B. WOLFSON  
2 Clark County District Attorney  
Nevada Bar #001565  
3 DAVID STANTON  
Chief Deputy District Attorney  
4 Nevada Bar #003202  
200 Lewis Avenue  
5 Las Vegas, Nevada 89155-2212  
(702) 671-2500  
6 Attorney for Plaintiff

7 I.A. 7/15/19  
10:00 A.M.  
8 PD BALLOU

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

CASE NO: C-19-341735-1

11 -vs-

DEPT NO: VI

12 DAINE ANTON CRAWLEY,  
#7031173  
13 Defendant.  
14

INFORMATION

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

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

19 That DAINE ANTON CRAWLEY, the Defendant(s) above named, having committed  
20 the crime of CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON  
21 (Category C Felony - NRS 202.350 (1)(d)(3) - NOC 51459), on or about the 12th day of June,  
22 2019, within the County of Clark, State of Nevada, contrary to the form, force and effect of  
23 statutes in such cases made and provided, and against the peace and dignity of the State of  
24 Nevada, did then and there willfully, unlawfully and feloniously carry concealed upon his

25 //

26 //

27 //


28 //

W:\2019\2019F\11843\19F11843-INFM-(CRAWLEY\_\_DAINE)-001.DOCX

1 person, a firearm or other deadly weapon, to wit: a knife.

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

5 BY

6   
7 DAVID STANTON  
8 Chief Deputy District Attorney  
9 Nevada Bar #003202  
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27 19F11843X/rmj  
28 LVMPD EV#190600056903  
(TK7)

ORIGINAL

14

1 **GPA**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 DAVID STANTON  
6 Chief Deputy District Attorney  
7 Nevada Bar #003202  
8 200 Lewis Avenue  
9 Las Vegas, NV 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

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

JUL 15 2019

BY Kristen Brown  
KRISTEN BROWN, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

C-19-341735-1  
GPA  
Guilty Plea Agreement  
4849207



9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 DAINE ANTON CRAWLEY,  
13 #7031173

14 Defendant.

CASE NO: C-19-341735-1

DEPT NO: VI

15 GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: CARRYING CONCEALED FIREARM OR OTHER  
17 DEADLY WEAPON (Category C Felony - NRS 202.350 (1)(d)(3) - NOC 51459), as more  
18 fully alleged in the charging document attached hereto as Exhibit "1".

19 My decision to plead guilty is based upon the plea agreement in this case which is as  
20 follows:

21 The State retains the right to argue at sentencing. The State will not oppose Defendant's  
22 own recognizance release at entry of plea.

23 I agree to the forfeiture of any and all weapons or any interest in any weapons seized  
24 and/or impounded in connection with the instant case and/or any other case negotiated in  
25 whole or in part in conjunction with this plea agreement.

26 I understand and agree that, if I fail to interview with the Department of Parole and  
27 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,  
28 by affidavit review, confirms probable cause against me for new criminal charges including

1 reckless driving or DUI, but excluding minor traffic violations, the State will have the  
2 unqualified right to argue for any legal sentence and term of confinement allowable for the  
3 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have  
4 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without  
5 the possibility of parole, life with the possibility of parole after ten (10) years, or a definite  
6 twenty-five (25) year term with the possibility of parole after ten (10) years.

7 Otherwise I am entitled to receive the benefits of these negotiations as stated in this  
8 plea agreement.

#### 9 CONSEQUENCES OF THE PLEA

10 I understand that by pleading guilty I admit the facts which support all the elements of  
11 the offense(s) to which I now plead as set forth in Exhibit "1".

12 I understand that as a consequence of my plea of guilty The Court must sentence me to  
13 imprisonment in the Nevada Department of Corrections for a minimum term of not less than  
14 ONE (1) year and a maximum term of not more than FIVE (5) years. The minimum term of  
15 imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I  
16 understand that I may also be fined up to \$10,000.00. I understand that the law requires me to  
17 pay an Administrative Assessment Fee.

18 I understand that, if appropriate, I will be ordered to make restitution to the victim of  
19 the offense(s) to which I am pleading guilty and to the victim of any related offense which is  
20 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to  
21 reimburse the State of Nevada for any expenses related to my extradition, if any.

22 I understand that I am eligible for probation for the offense to which I am pleading  
23 guilty. I understand that, except as otherwise provided by statute, the question of whether I  
24 receive probation is in the discretion of the sentencing judge.

25 I understand that I must submit to blood and/or saliva tests under the Direction of the  
26 Division of Parole and Probation to determine genetic markers and/or secretor status.

27 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,  
28 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or

1 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation  
2 and may receive a higher sentencing range.

3 I understand that if more than one sentence of imprisonment is imposed and I am  
4 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order  
5 the sentences served concurrently or consecutively.

6 I understand that information regarding charges not filed, dismissed charges, or charges  
7 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

8 I have not been promised or guaranteed any particular sentence by anyone. I know that  
9 my sentence is to be determined by the Court within the limits prescribed by statute.

10 I understand that if my attorney or the State of Nevada or both recommend any specific  
11 punishment to the Court, the Court is not obligated to accept the recommendation.

12 I understand that if the offense(s) to which I am pleading guilty was committed while I  
13 was incarcerated on another charge or while I was on probation or parole that I am not eligible  
14 for credit for time served toward the instant offense(s).

15 I understand that if I am not a United States citizen, any criminal conviction will likely  
16 result in serious negative immigration consequences including but not limited to:

- 17 1. The removal from the United States through deportation;
- 18 2. An inability to reenter the United States;
- 19 3. The inability to gain United States citizenship or legal residency;
- 20 4. An inability to renew and/or retain any legal residency status; and/or
- 21 5. An indeterminate term of confinement, with the United States Federal  
22 Government based on my conviction and immigration status.

23 Regardless of what I have been told by any attorney, no one can promise me that this  
24 conviction will not result in negative immigration consequences and/or impact my ability to  
25 become a United States citizen and/or a legal resident.

26 I understand that the Division of Parole and Probation will prepare a report for the  
27 sentencing judge prior to sentencing. This report will include matters relevant to the issue of  
28 sentencing, including my criminal history. This report may contain hearsay information

1 regarding my background and criminal history. My attorney and I will each have the  
2 opportunity to comment on the information contained in the report at the time of sentencing.  
3 Unless the District Attorney has specifically agreed otherwise, the District Attorney may also  
4 comment on this report.

#### 5 WAIVER OF RIGHTS

6 By entering my plea of guilty, I understand that I am waiving and forever giving up the  
7 following rights and privileges:

- 8 1. The constitutional privilege against self-incrimination, including the right  
9 to refuse to testify at trial, in which event the prosecution would not be  
10 allowed to comment to the jury about my refusal to testify.
- 11 2. The constitutional right to a speedy and public trial by an impartial jury,  
12 free of excessive pretrial publicity prejudicial to the defense, at which  
13 trial I would be entitled to the assistance of an attorney, either appointed  
14 or retained. At trial the State would bear the burden of proving beyond  
15 a reasonable doubt each element of the offense(s) charged.
- 16 3. The constitutional right to confront and cross-examine any witnesses who  
17 would testify against me.
- 18 4. The constitutional right to subpoena witnesses to testify on my behalf.
- 19 5. The constitutional right to testify in my own defense.
- 20 6. The right to appeal the conviction with the assistance of an attorney,  
21 either appointed or retained, unless specifically reserved in writing and  
22 agreed upon as provided in NRS 174.035(3). I understand this means I  
23 am unconditionally waiving my right to a direct appeal of this conviction,  
24 including any challenge based upon reasonable constitutional,  
25 jurisdictional or other grounds that challenge the legality of the  
26 proceedings as stated in NRS 177.015(4). However, I remain free to  
27 challenge my conviction through other post-conviction remedies  
28 including a habeas corpus petition pursuant to NRS Chapter 34.

#### 22 VOLUNTARINESS OF PLEA

23 I have discussed the elements of all of the original charge(s) against me with my  
24 attorney and I understand the nature of the charge(s) against me.

25 I understand that the State would have to prove each element of the charge(s) against  
26 me at trial.

27 I have discussed with my attorney any possible defenses, defense strategies and  
28 circumstances which might be in my favor.

1 All of the foregoing elements, consequences, rights, and waiver of rights have been  
2 thoroughly explained to me by my attorney.

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

5 I am signing this agreement voluntarily, after consultation with my attorney, and I am  
6 not acting under duress or coercion or by virtue of any promises of leniency, except for those  
7 set forth in this agreement.

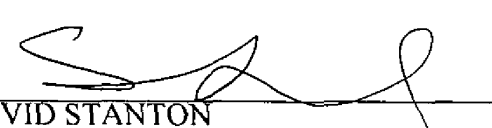
8 I am not now under the influence of any intoxicating liquor, a controlled substance or  
9 other drug which would in any manner impair my ability to comprehend or understand this  
10 agreement or the proceedings surrounding my entry of this plea.

11 My attorney has answered all my questions regarding this guilty plea agreement and its  
12 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

13 DATED this 15 day of July, 2019.

14  
15  
16   
DAINE ANTON CRAWLEY  
Defendant

17 AGREED TO BY:

18  
19   
20 DAVID STANTON  
21 Chief Deputy District Attorney  
22 Nevada Bar #003202  
23  
24  
25  
26  
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28

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court  
3 hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the  
charge(s) to which guilty pleas are being entered.
- 5 2. I have advised the Defendant of the penalties for each charge and the restitution  
6 that the Defendant may be ordered to pay.
- 7 3. I have inquired of Defendant facts concerning Defendant's immigration status  
and explained to Defendant that if Defendant is not a United States citizen any  
8 criminal conviction will most likely result in serious negative immigration  
consequences including but not limited to:
- 9 a. The removal from the United States through deportation;
- 10 b. An inability to reenter the United States;
- 11 c. The inability to gain United States citizenship or legal residency;
- 12 d. An inability to renew and/or retain any legal residency status; and/or
- 13 e. An indeterminate term of confinement, by with United States Federal  
14 Government based on the conviction and immigration status.
- 15 Moreover, I have explained that regardless of what Defendant may have been  
told by any attorney, no one can promise Defendant that this conviction will not  
16 result in negative immigration consequences and/or impact Defendant's ability  
to become a United States citizen and/or legal resident.
- 17 4. All pleas of guilty offered by the Defendant pursuant to this agreement are  
consistent with the facts known to me and are made with my advice to the  
18 Defendant.
- 19 5. To the best of my knowledge and belief, the Defendant:
- 20 a. Is competent and understands the charges and the consequences of  
pleading guilty as provided in this agreement,
- 21 b. Executed this agreement and will enter all guilty pleas pursuant hereto  
22 voluntarily, and
- 23 c. Was not under the influence of intoxicating liquor, a controlled  
24 substance or other drug at the time I consulted with the Defendant as  
certified in paragraphs 1 and 2 above.

25 Dated: This 15<sup>th</sup> day of July, 2019.

26   
27 DEFENSE ATTY. NAME

28 rmj/L3

*Steven D. Grierson*

1 INFM  
STEVEN B. WOLFSON  
2 Clark County District Attorney  
Nevada Bar #001565  
3 DAVID STANTON  
Chief Deputy District Attorney  
4 Nevada Bar #003202  
200 Lewis Avenue  
5 Las Vegas, Nevada 89155-2212  
(702) 671-2500  
6 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

7 I.A. 7/15/19  
10:00 A.M.  
8 PD BALLOU

9 THE STATE OF NEVADA,  
10 Plaintiff,

CASE NO: C-19-341735-1

11 -vs-

DEPT NO: VI

12 DAINE ANTON CRAWLEY,  
#7031173  
13 Defendant.

INFORMATION

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

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

19 That DAINE ANTON CRAWLEY, the Defendant(s) above named, having committed  
20 the crime of CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON  
21 (Category C Felony - NRS 202.350 (1)(d)(3) - NOC 51459), on or about the 12th day of June,  
22 2019, within the County of Clark, State of Nevada, contrary to the form, force and effect of  
23 statutes in such cases made and provided, and against the peace and dignity of the State of  
24 Nevada, did then and there willfully, unlawfully and feloniously carry concealed upon his

25 //

26 //

27 //

28 //


**EXHIBIT "1"**

W:\2019\2019F\11843\19F\11843-INFM-(CRAWLEY\_\_DAINE)-001.DOCX

1 person, a firearm or other deadly weapon, to wit: a knife.

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

5 BY

6   
7 DAVID STANTON  
8 Chief Deputy District Attorney  
9 Nevada Bar #003202

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28 LVMPD EV#190600056903  
(TK7)



1 CASE NO.: C-19-341735-1

2

3 IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP

4 COUNTY OF CLARK, STATE OF NEVADA

5 -oOo-

6 STATE OF NEVADA, )

7 Plaintiff, )

8 vs. )

9 DAINE CRAWLEY, )

10 Defendant. )

11 \_\_\_\_\_)

Case No. 19F11843X

12

13 REPORTER'S TRANSCRIPT OF

14 UNCONDITIONAL WAIVER OF PRELIMINARY HEARING

15 BEFORE THE HONORABLE KAREN BENNETT-HARON  
16 JUSTICE OF THE PEACE

17 THURSDAY, JULY 11, 2019

18

APPEARANCES

19

20 For the State: DAVID STANTON, ESQ.  
Chief Deputy District Attorney

21

22 For the Defendant: ERIKA BALLOU, ESQ.

23

24

25 Reported By: Jennifer O'Neill, CCR No. 763

1 LAS VEGAS, NEVADA; JULY 11, 2019; 9:00 A.M.

2 -oOo-

3

4 THE COURT: Daine Crawley, 19F11843X.

5 MS. BALLOU: Your Honor, this matter has been  
6 negotiated.

7 This morning Mr. Crawley is prepared to  
8 unconditionally waive his right to a preliminary  
9 hearing.

10 At the District Court level, he's going to be  
11 pleading to carrying a concealed weapon, a category C  
12 felony.

13 The State will retain the right to argue.  
14 Mr. Crawley will receive an OR release at entry of  
15 plea.

16 MR. STANTON: Correct statement.

17 THE COURT: Mr. Crawley, good morning. Did  
18 you understand the terms of the negotiation?

19 THE DEFENDANT: For the most part, yes.  
20 The -- yes, I do. Sorry.

21 THE COURT: No. Don't be sorry. If you have  
22 a question, you're entitled to ask it. You can talk to  
23 your lawyer.

24 THE DEFENDANT: It's a category C felony,  
25 right?

1           THE COURT: I don't know. You can ask your  
2 lawyer about it. Would you like to talk to her?

3           THE DEFENDANT: No. That's all right. It's  
4 understood. Thank you.

5           THE COURT: Are you sure?

6           THE DEFENDANT: Yes, ma'am.

7           THE COURT: Okay. So you understood the  
8 negotiations.

9           Did you also understand that one of the  
10 things you're being asked to do this morning is to  
11 unconditionally waive your right to a preliminary  
12 hearing, which means if you get to District Court and  
13 you change your mind about the negotiations, you won't  
14 be able to come back to this court to have a  
15 preliminary hearing on these charges.

16           Do you understand that?

17           THE DEFENDANT: Yes, ma'am.

18           THE COURT: And understanding that, is it  
19 still your intention to unconditionally waive your  
20 right to a preliminary hearing?

21           THE DEFENDANT: Yes, ma'am. Under the  
22 conditions she just said, yes, ma'am.

23           THE COURT: Then it appearing to this Court  
24 from the criminal complaint on file herein that the  
25 crimes of assault with a deadly weapon and carrying a

1 concealed firearm or other deadly weapon has been  
2 committed; and the defendant, Daine Crawley, having  
3 unconditionally waived his right to a preliminary  
4 hearing on said charges, shall be held to answer said  
5 charges in the Eighth Judicial District Court, lower  
6 level, on:

7 THE CLERK: July 15, 10:00 a.m.

8 THE COURT: Thank you. Do you have a  
9 question?

10 THE DEFENDANT: It's going to be only one  
11 felony, though, at that level, right?

12 THE COURT: Well, the entire case is being  
13 transferred to District Court. When you get there,  
14 then that's where you'll put your actual negotiations  
15 on the record.

16 THE DEFENDANT: Thank you.

17 THE COURT: You're welcome.

18 (The proceedings concluded.)

19

20 \* \* \* \* \*

21 ATTEST: Full, true, and accurate  
22 transcript of proceedings.

23

24

25

/S/ Jennifer O'Neill  
JENNIFER O'NEILL, CCR No. 763

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REPORTER'S CERTIFICATE

STATE OF NEVADA)  
COUNTY OF CLARK)

I, Jennifer O'Neill, a certified court reporter  
in and for the State of Nevada, hereby certify that  
pursuant to NRS 239B.030 I have not included the Social  
Security number of any person within this document.

I further certify that I am not a relative or  
employee of any party involved in said action, nor a  
person financially interested in the action.

Dated in Las Vegas, Nevada this 25th day of  
July, 2019.

/S/ Jennifer O'Neill  
JENNIFER O'NEILL, CCR No. 763

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DOCUMENT,  
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57 - 69  
WILL FOLLOW VIA  
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27  
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**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>RD</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

---

October 08, 2019

**Attorney:** Public Defender  
Clark County Public Defender  
309 S 3rd Street Suite #2  
Las Vegas NV 89101

**Case Number:** C-19-341735-1  
**Department:** Department 6

**Defendant:** Daine Anton Crawley

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: **Motion To Withdraw Guilty Plea/ Evidentiary Hearing**

**Rule 3.70. Papers which May Not be Filed**

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,  
DC Criminal Desk # 27  
Deputy Clerk of the Court

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OF FILE PLEASE

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Clerk of District Court,

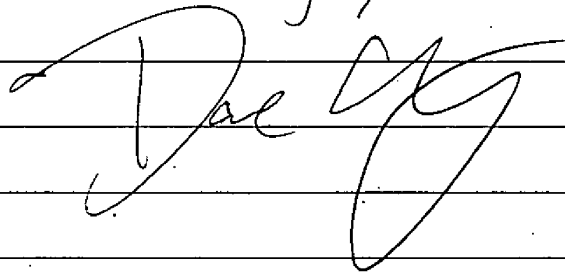
10/1/19

The enclosed document is for the filing of the Counts in regards to Withdrawing a Guilty Plea, or to have an Evidentiary Hearing for Case C341735. Please forward the motion to the proper Court for future Correspondence, IF deemed appropriate. A copy of this motion (For the record) was also sent to The Public Defenders Office Mrs. Erika Ballou on October 1<sup>st</sup>, 2019. Thank you for your time and Consideration regarding this motion, your Correspondence is greatly appreciated.

C-19-341735-1  
Dept: VI

Sincerely,  
Daine A. Crawley #7031173  
CCDC

330 S. Casino Center BLVD  
Las Vegas, NV 89101



RECEIVED  
OCT 07 2019  
CLERK OF THE COURT

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The State of Nevada

Plaintiff,

vs.

Daine Anton Crawley # 7031173

Defendant

Case No.: C341735

Dept. No.: XVIII

Docket No.: \_\_\_\_\_

Motion to  
Withdraw Guilty Plea / Evidentiary Hearing

**RECEIVED**  
**OCT 07 2019**  
**CLERK OF THE COURT**

1 I, The Defendant Daine Anton Crawley am requesting a  
2 withdrawal of guilty plea/evidentiary hearing, for case  
3 Number C341735. The defendants right to an evidentiary  
4 hearing are based on the facts disclosed in this motion.  
5 The defendant was not aware that in signing a 1 to 5  
6 year Category C non-violent/probationable sentence could  
7 possibly exceed the maximum term of 5 years. The  
8 Public defender did not explain that in signing the  
9 plea giving the District Attorney the right to argue;  
10 the 1 to 5 years could exceed that sentencing structure. It  
11 was the defendants understanding that the argument  
12 on behalf of the District Attorney would be for a  
13 sentence ranging from 1 to 5 years and whether it  
14 would be probation or not. The Defendant also signed  
15 the plea agreement on condition of Own Recognizance  
16 release to enter a treatment program, as well as for  
17 surgery on underlying medical issue. The release  
18 was supposed to be on the day of signing July 15, 2019  
19 However, the release did not take place until after  
20 8:00pm the following day of July 16, 2019. The  
21 Defendant was scheduled to enter Crossroads  
22 Treatment Center through Nevada Behavioral Health  
23 on that date (July 16, 2019), but was delayed for  
24 this reason (Gonzales vs. State 2016, April 14, 2016)  
25 Medical treatment has also since been delayed for  
26 a Fractured Scaphoid (right wrist) that requires surgery  
27 by CCDC. A request for Several programs/Evaluations  
28 are also pending, one being Drug Court; as was

1 recorded in District Court arraignment on September  
2 6<sup>th</sup>, 2019. This being the entire intention of taking  
3 the 1 to 5 year / probationable plea agreement. The  
4 Defendant was under the impression that this  
5 was a Conditional plea involving inpatient treatment,  
6 and not an extended prison term at the District  
7 Attorneys discretion. Please allow time for  
8 Correspondence in order to follow up with a more  
9 Clarified version of plea agreement to the defendants  
10 comprehension; Without prejudice or bias on  
11 behalf of the District Attorney or Courts in this  
12 matter, Respectively  
13 Gonzales vs. State, 2016, Meyer vs. State 1995

14 DATED THIS 1<sup>st</sup> day of October, 2019.

15 I Daine Anton Crawley #7031173, do

16 solemnly swear, under the penalty of perjury, that  
17 the above Motion to Withdraw Guilty is accurate,  
18 Plea / Evidentiary Hearing  
19 correct, and true to the best of my knowledge.

20 NRS 171.102 and NRS 208.165.

21 Respectfully submitted,

22 

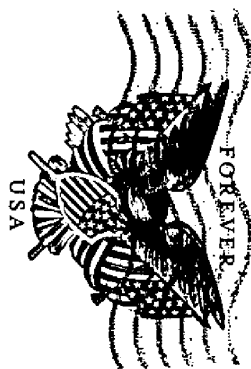
23 Defendant

24 Daine Crawley #7031173

25 NRS 208.165 A prisoner may execute any instrument by signing his name immediately  
26 following a declaration "under penalty of perjury" with the same legal effect as if he had  
27 acknowledged it or sworn to its truth before a person authorized to administer oaths. As used in  
28 this section, "prisoner" means a person confined in any jail or prison, or any facility for the  
detention of juvenile offenders in this state.

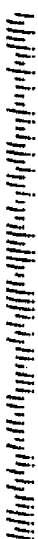
Daine Crawley #7031173  
CCDC  
330 S. Casino Center Blvd  
Las Vegas, NV 89101

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Clerk of District Court  
200 Lewis Avenue, 3<sup>rd</sup> Floor  
Las Vegas, NV 89155-1160  
SENT FROM CCDC

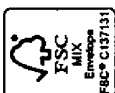
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"LEGAL MAIL"



LSF  
C34735

**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

October 08, 2019

**Attorney:** Public Defender  
Clark County Public Defender  
309 S 3rd Street Suite #2  
Las Vegas NV 89101

**Case Number:** C-19-341735-1  
**Department:** Department 6

**Defendant:** Daine Anton Crawley

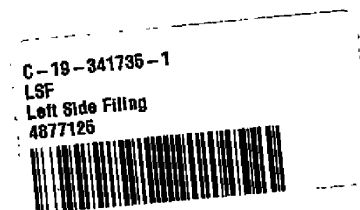
Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

**Pleadings: Motion To Withdraw Guilty Plea/ Evidentiary Hearing**

**Rule 3.70. Papers which May Not be Filed**

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Cordially yours,  
DC Criminal Desk # 27  
Deputy Clerk of the Court



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The State  
OF Nevada

Plaintiff,

vs.

Daine Anton Crawley #7031173

Defendant

Case No.: C341735

Dept. No.: 6

Docket No.:

Motion to Withdraw Guilty Plea / Evidentiary Hearing

1 The Defendant Daine Anton Crawley, is hereby requesting a  
2 Withdrawal of his guilty plea for case No. C341735. The defendant  
3 has requested an evidentiary hearing based on information  
4 withheld and various disagreements in plea agreement that have  
5 now led to incorrect Pre sentence investigation information. The  
6 Defendant was not aware that in signing a 1 to 5 year Category  
7 C non-violent/probationable sentence the non-factual information  
8 leading to the dismissal of other Count, would still be used  
9 against him. It was also the defendants determination that  
10 the right to argue on the District Attorneys behalf meant  
11 The District Attorney had the right to argue for a sentence  
12 between 1 to 5 years and whether it would be on probation  
13 entirely or not. The said charge reads as though a firearm  
14 was brandished, although a firearm was never used. The  
15 Defendant signed the plea agreement on condition of an  
16 own recognizance release to enter treatment program,  
17 as well as address underlying medical issue. This release  
18 was due upon signing of plea-agreement on July 15, 2019,  
19 though it was not until after 8:00pm the following  
20 day of July 16, 2019. The Defendant was scheduled  
21 to enter "Crossroads" treatment center by way of  
22 "Nemda Behavioral Health" on that date, but was delayed  
23 for this reason. It is the Defendants belief that this  
24 along with pending Medical Treatment for a (fractured  
25 Scaphoid) injury were used as leverage to get desired  
26 plea on District Attorneys behalf / Gonzales vs. State  
27 2016 (Consent Decree). As the public defenders office is well  
28 aware of, The intention of taking the (1 to 5 probationable)

1 Sentence was in hopes of inpatient drug rehabilitation  
2 program or "Drug Court", both public defenders have  
3 neglected the rehabilitation aspect of the plea agreement  
4 with the wording of verbal conversations noted the  
5 defendant was under the impression that this was  
6 a conditional plea, and not a mandatory prison term  
7 at the District Attorneys discretion. Please allow time  
8 to follow up with a more clarified version of Plea agreement  
9 with new counsel outside of the public Defenders office  
10 without prejudice shown by District Attorney or  
11 Bias of any kind, Respectively.

12 Buffalo vs. State, 1995, Gonzales vs. State, 2016, 7<sup>th</sup> Amendment  
13 Meyer vs. State, 1995, Consent Decree, 2019  
14 1<sup>st</sup> Step Act (Rehabilitation/Re-entry programs), Due process of LAW (Rights)

14 DATED THIS 13 day of November, 2019

15 I Daine Anton Crowley #2031173, do

16 solemnly swear, under the penalty of perjury, that

17 the above Motion to Withdraw guilty plea is accurate,  
18 Evidentiary Hearing  
19 correct, and true to the best of my knowledge.

20 NRS 171.102 and NRS 208.165.

21 Respectfully submitted,

22   
23 Defendant

24  
25 NRS 208.165 A prisoner may execute any instrument by signing his name immediately  
26 following a declaration "under penalty of perjury" with the same legal effect as if he had  
27 acknowledged it or sworn to its truth before a person authorized to administer oaths. As used in  
28 this section, "prisoner" means a person confined in any jail or prison, or any facility for the  
detention of juvenile offenders in this state.

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**DISTRICT COURT  
CLARK COUNTY, NEVADA  
\*\*\*\***

Electronically Filed  
10/30/2019 10:50 AM  
Steven D. Grierson  
CLERK OF THE COURT



State of Nevada  
vs  
Daine Crawley

Case No.: C-19-341735-1

Department 6

**NOTICE OF HEARING**

Please be advised that the Defendant's Motion to Dismiss Counsel and Appoint Alternate Counsel in the above-entitled matter is set for hearing as follows:

**Date:** November 18, 2019

**Time:** 9:30 AM

**Location:** RJC Courtroom 10C  
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

To the Honorable Judge of District Court,

Good morning, I hope this has been a most pleasant and blessed one for you thus far. The letter in it's brevity is based on my urgent need for Substance Abuse / Mental Health treatment. My Criminal record is indelible and something I must deal with for the rest of my life. Through incarceration in the state prison system, I have suffered from bouts of PTSD and Social Anxiety issues. I believe these issues have been the root of my Criminal behavior and have been left untreated for most of my life. This in turn has led to insecurity, pessimism and hopelessness in the most extreme form. Recognizing the change in myself is prevalent, yet futile due to the lack of family support and/or programs within the prison system.

My purpose of writing this letter is not to bring levity to the situation, but to shed light on the need for help to enter a more structured environment and improve my cognitive thinking. These fears left unresolved have manifested into chronic anxiety, nervous breakdowns, and depression for me. Since April 24<sup>th</sup>, 2019 well before the alleged crime it is documented that I have attempted to address my mental state through "Nevada Behavioral Health". This program is excellent in the assistance it provides to the homeless, but in my situation I needed something more intense such as "inpatient Treatment". This bed date has since lapsed, and due to health insurance issues and so forth, I have been on the waiting list for treatment.

Since. Hopefully now being in your courtroom this will be the catalyst for radical change in my life, I consider myself to have great potential, although recidivism has been an encumbrance to my growth. So much so that my own family will not accept me until I seek some kind of treatment prior to my return home to Virginia. I not only need to do this for myself, but for my family especially my 9 year old daughter Armani, she deserves better. It is my hope that my most recent blunder does not define the rest of my life, and my Substance Abuse / Mental Health issues will be addressed by the court. Social reclusion has become an inherent product of my past years of incarceration. Through various sources of research and my arid attempts to seek treatment, The "Drug Court" program remains a preconcert option. It was said that Justice of the Peace Cynthia Cruz and Specialty Court Coordinator Wanda Negron are true believers in recovery. If this program is an option, please allow me to be the next success story, Alcohol is killing me.

Furthermore, I have recently been diagnosed with Social anxiety / PTSD related issues. It is my true belief that isolation and incarceration are the source. Institutional Syndrome refers to deficits or disabilities in social and life skills. This usually occurs after a person has spent a long period of time in prisons or other remote institutions. Individuals in institutions may be deprived (whether intentionally or not) of independence and of responsibility, to the point that

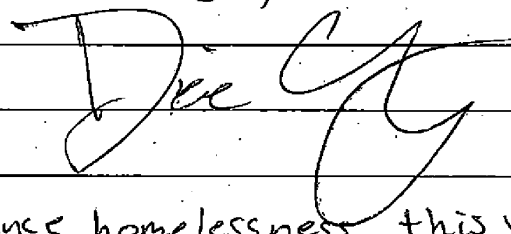
We return to outside life ~~and~~ <sup>and</sup> are often unable to manage many of its demands. Being that I have never had any support system and went from prison to homeless shelters, to complete homelessness, recidivism became inevitable. My psychological and mental health issues directly relate to my criminal behavior. Behind bars you are rarely given permission to have feelings in a sense you become numb, and instead you tend to react before consciously considering the consequences. I was always told that "An ounce of prevention is better than a pound of cure," so it is always best to take time to evaluate a situation in its entirety. Although, it is my actions that led to the present situation, it is my hope that the Court will provide the cure to the disease that has plagued my life for over 20 years. I have already taken the first step, I just need the proper guidance to follow through.

In Closing, In recent studies The United States has over 2 million incarcerated adults and another 4 million are on probation or parole. From my own experience there is little to no rehabilitation of the incarcerated even if they actively seek it their entire prison term due to the broken Classification System within the penal system. It is proven that once released they're often worse than when they went in, 68% are rearrested for a new crime. Without rehabilitation lives are often filled with shame, trauma, and discouragement, and when we finally get released it often becomes overwhelming. For me it

was the case and it's no wonder the revolving door remains open and the recidivism rate within 5 years of release is over 75%. No matter the outcome of this present matter it is up to me to put my best foot forward. I envisage myself in a much better position and will continue my own independent studies with extraordinary gratitude and humility. Your venerable decision regarding my Substance Abuse / Mental Health is greatly appreciated. Thank you for your time and consideration regarding this matter.

Sincerely,  
Daine Anton Crawley #7031173  
CCDC

330 S. Casino Center BLVD  
Las Vegas, NV 89101



\* Consent Decree (Bail reform)

\* 1<sup>st</sup> Step Act (Prison reform)

\* 14,114 people are estimated to experience homelessness this year, Nevada has the fewest affordable housing units in the U.S. at 19 per 100 people, please help me, help myself.

Assistant County manager Kevin Schiller

Programs I have reached out to  
Since April 24, 2019

\* Nevada Behavioral Health - <sup>out patient</sup> Attended programs From April 24, 2019 - until incarceration  
2500 W. Washington Ave, Suite B

Caseworker Trina Richardson (702) 605-5858

Therapist Brenna

Psychiatrist Dr. Patrick

\* Las Vegas Recovery Center - inpatient

3371 N. Buffalo Drive, Suite 150 (702) 515-1373

\* Salvation Army - Residential Treatment

211 Judson Avenue (702) 399-2769

\* Oxford House

Halfway House for Drug Court if approved

Las Vegas, (702) 646-8173

\* Monte Vista - Residential Treatment

(Never got response) 5900 W. Rochelle (702) 364-1111

\* Hope 4 prisoners

3430 E. Flamingo Rd suite 350

Las Vegas, NV 89121 (702) 586-1371

\* We Care Foundation - Residential Treatment

2216 S. 6<sup>th</sup> Street (702) 369-0613

\* I have been doing Self Help Work books within CCDC since August 2019, I am now on workbook 10, I have completed the first 4 Pre-packets, 4 Substance Abuse packets, and 2 Life Skills packets thus far.

\* My family wants me to go to "The Healing Place" in Louisville, Kentucky to get my life together. I am not from Las Vegas and if granted this opportunity I would have no reason to come back. The program is located at 1020 W. Market Street Louisville, KY 40202.

DA  
PP  
PD

FILED

OCT 28 2019

*John A. Williams*  
CLERK OF COURT

MDC #  
Name: Daine Anton Crawley 7031173  
Address: 830 S. Casino Center BLVD.  
City/State/Zip: Las Vegas, NV 89101  
Phone: N/A  
DEFENDANT IN PROPER PERSON

EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

The State of  
Nevada

Plaintiff,

vs.

Case No.: C341735

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

Daine Anton Crawley #7031173

Defendant

**MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATE COUNSEL**

COMES NOW, the Defendant Daine Anton Crawley #7031173, and moves this Honorable Court to dismiss Defendant's counsel, Erika Ballou, and appoint alternate counsel to represent Defendant.

This Motion is based upon all papers, pleadings, and documents on file.

**POINTS AND AUTHORITIES**

It is respectfully requested of this court to grant this Motion to Dismiss Counsel and Appoint Alternate Counsel for the reasons listed below:

RECEIVED  
OCT 28 2019  
CLERK OF THE COURT

C-19-341735-1  
MDC  
Motion to Dismiss Counsel  
4872722



I. PROCEDURAL BACKGROUND AND FACTUAL SUMMARY

Since Erika Ballou <sup>or About</sup> was appointed as counsel on June 17, 2019 Defendant

has been prejudiced and suffered manifest injustice based on counsel's refusal or failure to:

I Daine Anton Crawley, am filing a motion to dismiss counsel and appoint alternate counsel due to inappropriate representation. The defendant believes that his best interests were not expressed at his preliminary hearing(s) in Justice Court. The preliminary hearing was continued multiple times to the District Attorneys advantage without the defendants presence on June 28<sup>th</sup>, 2019, July 1<sup>st</sup>, 2019, and also would have been continued on July 11<sup>th</sup>, 2019, until the defendant reluctantly agreed to a plea agreement that was supposed to allow him to enter "The Crossroads" inpatient treatment center on July 16<sup>th</sup>, 2019. It is the defendants belief that this said program "Crossroads", along with his need for surgery of a Fractured right wrist (Scaphoid) were both used as leverage against him to sign a plea agreement since the surgery was scheduled for August 19, 2019 and the program he had been waiting for was the following Tuesday July 16<sup>th</sup>, 2019 after much anticipation. The defendant only had about 10 minutes to go over the details of the plea agreement and this being the reason the consequences of the plea agreement were not explained in its entirety at or before the District Court arraignment on July 15<sup>th</sup>, 2019. The defendants choice to enter the "Crossroads" program was of the defendants own accord prior to said charge, however as part of the plea agreement the defendant was told he would be released prior to the said entry date of July 16<sup>th</sup>, 2019. The date of signing was July 15<sup>th</sup>, 2019, though the own recognizance release did not take place until after 8pm July 16<sup>th</sup>, 2019 well after bed date. Mrs. Erika Ballou has still not ordered or requested an application for "Drug Court", or responded via mail or telephone

Gonzales vs. State, Nov. 2016

Continued



II. ARGUMENT

Defendant, Daine Anton Crawley asserts that he/she is being denied his/her right to effective representation due to wholly inadequate actions of his/her court-appointed counsel. Further, counsel's actions constitute a violation of the Defendant's due process rights under the following cases, statutes, and/or rules of professional conduct:

Public Defender Erika Ballou declined to review documents regarding the defendants mental Health | Substance Abuse issues during the July 11<sup>th</sup>, 2019 preliminary hearing, indicated the lack of representation in requesting Body Cam footage (The lack of), evidence and/or witnesses that may have made statements resulting in the probable cause and/or illegal search and seizure on the night in question of June 12<sup>th</sup>, 2019. It is the request to have Mrs. Erika Ballou dismissed as counsel, as it appears she maybe in cahoots with the District Attorney in not having the "motion to withdraw guilty plea / evidentiary hearing" dated October 1<sup>st</sup>, 2019 filed in District Court before sentencing date. This motion is being filed without prejudice and factual in all aspects. It is the defendants request that motion be granted with no prejudice shown by DA. Buffalo vs. State, Nev. 1995, Young vs. State, Nev. 2004 Rule 4.1, Rule 4.2, Rule 8.4, Mitchell vs. State Nev. 1993, Mayer vs State

WHEREFORE, the undersigned prays that the court grant Defendant's Motion to Dismiss Counsel and Appoint Alternate Counsel.

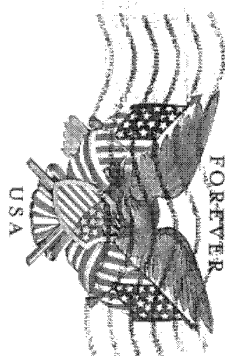
DATED THIS 22<sup>nd</sup> day of October, 2019.

Respectfully submitted,

Daine Anton Crawley  
Defendant 7031173

Daine Crawley #7031173  
CEDC  
330 S. Casino Center Blvd  
Las Vegas, NV 89101

LAS VEGAS, NV 890  
23 OCT 2015 PM 4:11



SENT FROM CEDC

Clerk of The District Court  
200 Lewis Avenue, 3rd Floor  
Las Vegas, NV 89155-1160

85101-630000



© USPS 2013

THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT

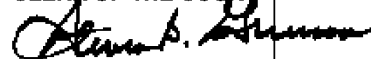
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**DISTRICT COURT  
CLARK COUNTY, NEVADA  
\*\*\*\***

Electronically Filed  
10/30/2019 10:50 AM  
Steven D. Grierson  
CLERK OF THE COURT



State of Nevada  
vs  
Daine Crawley

Case No.: C-19-341735-1  
Department 6

**NOTICE OF HEARING**

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**Date:** November 18, 2019  
**Time:** 9:30 AM  
**Location:** RJC Courtroom 10C  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

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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



1 NOTC  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 SHANON CLOWERS  
6 Chief Deputy District Attorney  
7 Nevada Bar #010008  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,  
13  
14 Plaintiff,

15 -vs-

16 DAINÉ ANTON CRAWLEY,  
17 #7031173

18 Defendant.

CASE NO: C-19-341735-1

DEPT NO: VI

STATE'S NOTICE OF INTENT TO SEEK PUNISHMENT AS  
A HABITUAL CRIMINAL

19 TO: DAINÉ ANTON CRAWLEY, Defendant; and

20 TO: PUBLIC DEPUTY PUBLIC DEFENDER, Counsel of Record:

21 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that pursuant to NRS  
22 207.010, the STATE OF NEVADA will seek punishment of Defendant DAINÉ ANTON  
23 CRAWLEY, as a habitual criminal in the event of a felony conviction in the above-entitled  
24 action.

25 That in the event of a felony conviction in the above-entitled action, the STATE OF  
26 NEVADA will ask the court to sentence Defendant DAINÉ ANTON CRAWLEY as a habitual  
27 criminal based upon the following felony convictions, to-wit:

28 1. That on or about 2010, the Defendant was convicted in the State of  
Virginia, for the crime of Conspiracy to Commit Felony (felony) in CR10F01924.

2. That on or about 2010, the Defendant was convicted in the State of  
Virginia, for the crime of Grand Larceny (felony) in CR10F01926.

1           3.     That on or about 2010, the Defendant was convicted in the State of  
2 Virginia, for the crime of Grand Larceny (felony) in CR10F01925.

3           4.     That on or about 2014, the Defendant was convicted in the State of  
4 Virginia, for the crime of Possess Schedule I or II (felony) in CR14F03523.

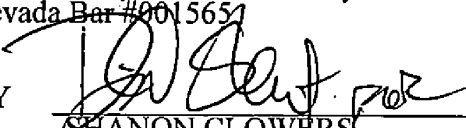
5           5.     That on or about 2014, the Defendant was convicted in the State of  
6 Virginia, for the crime of Grand Larceny (felony) in CR14F02472.

7           6.     That on or about 2016, the Defendant was convicted in the State of  
8 California, for the crime of Bring Controlled Substance/Etc. into Prison/Etc. (felony) in  
9 16WF0150.

10          7.     That on or about 2016, the Defendant was convicted in the State of  
11 Nevada, for the crime of Attempt Grand Larceny (felony) in C-16-318889-1.

12                   STEVEN B. WOLFSON  
13                   Clark County District Attorney  
14                   Nevada Bar #0015651

15           BY

  
16                   SHANON CLOWERS  
17                   Chief Deputy District Attorney  
18                   Nevada Bar #010008

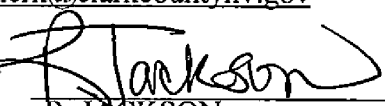
19                   CERTIFICATE OF SERVICE

20           I certify that on the 19<sup>th</sup> day of Nov., 2019, I mailed a copy of the foregoing Notice

21   to:

22                   pdclerk@clarkcountynv.gov

23           BY

  
24                   R. JACKSON  
25                   Secretary for the District Attorney's Office

26  
27  
28   19F11843X/rmj/L3



**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

---

January 10, 2020

**Attorney:** Public Defender  
Clark County Public Defender  
309 S 3rd Street Suite #2  
Las Vegas NV 89101

**Case Number:** C-19-341128-1  
**Department:** Department 9

**Defendant:** Jamil Penn

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

**Pleadings: Motion Of Defendant To Inspect All Evidence Favorable To Him**

**Rule 3.70. Papers which May Not be Filed**

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,  
DC Criminal Desk # 7  
Deputy Clerk of the Court

1  
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5 The State of Nevada

6 Plaintiff,

7 vs.

8  
9 Daine Anton Crawley # 7031173

10 Defendant  
11

Case No.: C341735

Dept. No.: VI

Docket No.: \_\_\_\_\_

12  
13 Motion of Defendant to inspect all evidence  
14 favorable to him/Exculpatory Evidence

15  
16 Comes Now the defendant, by and through his attorney, and  
17 moves the court for an order requiring the plaintiff to  
18 reveal, produce and permit the defendant to inspect  
19 and copy all information and material favorable to a  
20 defense of this cause (including all books, papers, records,  
21 documents and objects, body Cam footage all facts  
22 or information of whatever source or form in the  
23 possession of or known to, the plaintiff or any  
24 of its agents), which material and information  
25 are or may become of benefit to the defendant,  
26 either on the merits of the case or on the  
27 question of credibility of witnesses.

28 Furthermore, defendant requests the court

RECEIVED

JAN 09 2020

CLERK OF THE COURT

1 to enter an order requiring the plaintiff to  
2 furnish defendant with 1) a list of witnesses known  
3 to the plaintiff to have knowledge of this cause  
4 favorable to the defense, and a copy of the  
5 statement of any such witness; 2) A list of  
6 persons interviewed by the plaintiff relating to this  
7 case, but who will not be called as witnesses by the  
8 plaintiff 3) All documents relating to the investigation  
9 of this case or of this defendant which will not be  
10 introduced into evidence by the plaintiff and 4) a list  
11 of all former or present agents of plaintiff who  
12 have participated to any extent in the investigation  
13 and prosecution of this case who will not be called  
14 as plaintiffs witnesses.

15 Defendant states that said inspection, information  
16 and statements are necessary for the preparation of his  
17 defense, and for the defendant to obtain a fair trial  
18 and constitutional due process of law.

19  
20 (Points And Authorities)  
21 (Proof of Service)

22  
23 Carl Arnold  
24 1428 S. Jones BLVD.  
25 Las Vegas, NV 89146  
26  
27  
28

NRS 174.235, NRS 174.245, NRS 174.087,

Brady vs. Maryland 373 U.S. 83 (1963), Giles vs.  
Maryland 386 U.S. 66 (1967); Dennis vs. U.S.  
384 U.S. 855, 873 (1966); Mears vs. State  
83 Nev. 3, 422 P.2d 230 (1967); Marshall vs.  
District Court 80 Nev. 478, 396 P.2d 600  
(1964); Marshall vs. District Court, 79 Nevada  
280, 382 P.2d 214 (1963)

Any and All exculpatory evidence involving witnesses, officers,  
Body cam footage should be forwarded to defendant.

DATED THIS 29<sup>th</sup> day of December 2019.

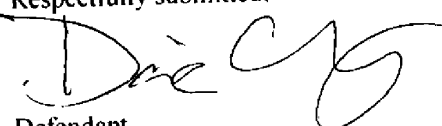
I Diane Anton Crowley do

solemnly swear, under the penalty of perjury, that

the above Motion of defendant to is accurate.  
inspect all evidence favorable to him  
correct, and true to the best of my knowledge.

NRS 171.102 and NRS 208.165.

Respectfully submitted.

  
Defendant

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

Baine Gaskley # 7031173  
CCDC  
330 S Casino Center Blvd  
Las Vegas, NV 89101

SENT FROM CCDC

District Court Clerk  
200 Lewis Avenue, 3rd Floor  
Las Vegas, NV 89155-1160

LEGAL



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**MOT**

CARL E.G. ARNOLD, ESQ.  
Nevada Bar No. 8358  
LAW OFFICE OF CARL E.G. ARNOLD  
1428 South Jones Boulevard  
Las Vegas, NV 89146  
[LVCEGA1@yahoo.com](mailto:LVCEGA1@yahoo.com)  
P : (702) 358-1138  
F: (702) 253-6997  
*Attorneys for Defendant*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

vs.

DAINE CRAWLEY,

Defendant

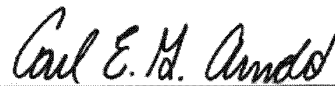
Case No.: C-19-341735-1

DEPT.: 6

**MOTION TO WITHDRAW  
GUILTY PLEA**

COMES NOW, Defendant Daine Crawley, by and through his attorney of record, CARL E.G. ARNOLD, ESQ., and hereby submits the attached Memorandum of Points and Authorities in support of his motion to withdraw his guilty plea. Mr. Crawley's motion to withdraw guilty plea is made and based upon all papers on file for this case, the attached memorandum of points and authorities, and any oral argument allowed by this Honorable Court.

Dated this 31st day of January, 2020.



CARL E.G. ARNOLD, ESQ.  
1428 S. Jones Blvd.  
Las Vegas, Nevada 89146  
(702) 358-1138

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1 footage, in the State's possession, will demonstrate that the police never had probable cause to  
3 commence the stop and search of Mr. Crawley.

### 5 LEGAL ARGUMENT

7 District courts may grant a motion to withdraw a guilty plea prior to sentencing for any  
9 substantial, fair and just reason. Crawford v. State, 30 P.3d 1123, 1125 (Nev. 2001).

11 Accordingly, Nevada trial and appellate courts must apply a more relaxed standard to presentence  
13 motions to withdraw guilty pleas than to post-sentencing motions. Molina v. State, 87 P.3d 533,  
15 537 (Nev. 2004), NRS 176.165. To determine whether the defendant advanced a substantial, fair  
17 and just reason to withdraw a plea, the district court must consider the totality of the  
19 circumstances to determine whether the defendant entered the plea voluntarily, knowingly, and  
21 intelligently. State v. Freese, 116 Nev. 1097 (2000).

23  
25 Mr. Crawley did not receive the benefit of the bargain by being immediately released on  
27 his own recognizance after the entry of his guilty plea. Consequently, he lost his placement at the  
29 in patient treatment program. Moreover, Mr. Crawley learned that the police did not have  
31 probable cause to stop and search him in the first instant and that his prior counsel did not review  
33 the Body Camera footage to argue the illegal search by motion to this Court. Accordingly, Mr.  
35 Crawley's plea was not completely knowing and voluntary since he did not obtain all the  
37 information necessary to make an informed decision regarding his guilty plea and the benefits of  
39 the bargain.

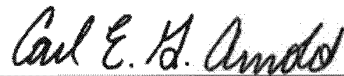
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**CONCLUSION**

Based on the foregoing arguments, Mr. Crawley prays that this Honorable Court grant the Motion to Withdraw Guilty Plea.

Dated this 31st of January, 2020.

RESPECTFULLY SUBMITTED BY:

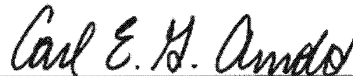


CARL E.G. ARNOLD, ESQ.  
Nevada Bar No. 008358  
LVCEGA1@yahoo.com  
1428 S. Jones Blvd.  
Las Vegas, Nevada 89146

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**CERTIFICATE OF SERVICE**

This certifies that this office has forwarded electronically a copy of **Motion to Withdraw Guilty Plea** on January 31, 2020, by sending the attached to motions@clarkcountynvda.com

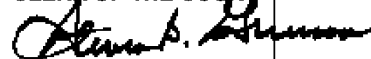


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**DISTRICT COURT  
CLARK COUNTY, NEVADA  
\*\*\*\***

Electronically Filed  
1/31/2020 11:23 AM  
Steven D. Grierson  
CLERK OF THE COURT



State of Nevada  
vs  
Daine Crawley

Case No.: C-19-341735-1  
Department 6

**NOTICE OF HEARING**

Please be advised that the Defendant's Motion to Withdraw Guilty Plea in the above-entitled matter is set for hearing as follows:

**Date:** February 12, 2020  
**Time:** 9:30 AM  
**Location:** RJC Courtroom 10C  
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/ Marie Kramer  
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/ Marie Kramer  
Deputy Clerk of the Court



1 **OPPS**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 DAVID STANTON  
6 Chief Deputy District Attorney  
7 Nevada Bar #003202  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 DAINE ANTON CRAWLEY,  
13 #7031173  
14 Defendant.

CASE NO: C-19-341735-1

DEPT NO: VI

15 **STATE'S OPPOSITION TO DEFENDANT'S MOTION TO WITHDRAW GUILTY**  
16 **PLEA**

17 DATE OF HEARING: FEBRUARY 19, 2020  
18 TIME OF HEARING: 9:30 A.M.

18 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County  
19 District Attorney, through DAVID STANTON, Chief Deputy District Attorney, and hereby  
20 submits the attached Points and Authorities in Opposition to Defendant's Motion To Withdraw  
21 Guilty Plea.

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

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1 Considering the totality of the circumstances, we have no difficulty in  
2 concluding that Stevenson failed to present a sufficient reason to permit  
3 withdrawal of his plea. Permitting him to withdraw his plea under the  
4 circumstances would allow the solemn entry of a guilty plea to "become a mere  
gesture, a temporary and meaningless formality reversible at the defendant's  
whim." *Barker*, 514 F.2d at 221. This we cannot allow.

5 *Stevenson v. State*, 354 P.3d 1277, 1281-82 (Nev. 2015).

6 DATED this 14<sup>th</sup> day of February, 2020.

7 Respectfully submitted,

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

11 BY

12 DAVID STANTON  
13 Chief Deputy District Attorney  
14 Nevada Bar #003202

15 **CERTIFICATE OF ELECTRONIC FILING**

16 I hereby certify that service of State's Opposition to Defendant's Motion to Withdraw  
17 Guilty Plea, was made this 14<sup>th</sup> day of February, 2020, by Electronic Filing to:

18 CARL E. ARNOLD, ESQ.  
19 lvcegal@yahoo.com

20 [Signature]

21 Secretary for the District Attorney's Office

22  
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28 19F11843X/DS/rmj/L3

# EXHIBIT “1”

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
DECLARATION OF ARREST REPORT**

TCR1026989

☐ County Jail

☐ City Jail

☐ Adult

☐ Juvenile

Bureau: CCAC

ID# 7031173		EVENT # LLV190800056803		ARRESTEE'S NAME (LAST) CRAWLEY		(FIRST) DAINE		(MIDDLE) ANTON		SSN# 610-07-0540	
RACE W	SEX M	DOB 3/21/1986	HGT 5'08"	WGT 130	HAIR BLK	EYES BRO	POB RIVERSIDE				
ARRESTEE'S ADDRESS TRANSIENT						CITY LAS VEGAS		STATE NV		ZIP CODE 89109	
OCCURRED DATE: 6/12/2019		TIME: 21:01		ARREST DATE: 6/12/2019		TIME: 21:01		LOCATION OF ARREST (NUMBER, STREET, CITY, STATE, ZIP CODE) 3850 LAS VEGAS BLVD S LAS VEGAS NEVADA 891			
LOCATION OF CRIME (NUMBER, STREET, CITY, STATE, ZIP CODE) 3850 LAS VEGAS BLVD S LAS VEGAS NEVADA 89109											
CHARGES / OFFENSES PC - JC - 50201 - F - ASSAULT, WDW											
CONNECTING REPORTS (TYPE OR EVENT NUMBER) FELONY ARREST PACKET											

The undersigned makes the following declarations subject to the penalty of perjury and says: That I am a peace officer with the Las Vegas Metropolitan Police Department, Clark County, Nevada, being so employed for a period of approximately 1 year(s).

That I learned the following facts and circumstances which lead me to believe that the above named subject committed or was committing the offenses above at the location of 3850 LAS VEGAS BLVD S LAS VEGAS NEVADA 89109 and that the offense(s) occurred at approximately 21:01 hours on the 12th day of June, 2019.

**Details for Probable Cause:**

On 6/12/19 at approximately 2101 hours I, Officer J. Curry P#17371 while operating as marked patrol unit 3M16 and Officer D. Westhead P#14467 while operating as marked patrol 9M32, were dispatched to 3850 S Las Vegas Blvd Las Vegas, NV 89109 in reference to a person with a knife between the Excalibur and Luxor threatening pedestrians.

I made contact with Matthew Hawkins DOB 01/19/1983 in between the Excalibur and Luxor who made the following statements. Hawkins and his friend, Travis Duun DOB 06/18/85, were walking through the Excalibur hotel parking lot and were approached by a unknown male who was later identified as Daine Crawley DOB 03/21/86. Hawkins stated that Crawley got in his face and started uttering something to him that could not be made out. Crawley reached for something from his back pack while still in the face of Hawkins and as he looked down he saw that Crawley had retrieved a knife in his right hand with the blade exposed. Hawkins stepped away from Crawley to get to a safe distance and felt threatened and in fear. Crawley then approached a silver Mercedes SUV occupied with three females in the parking lot and attempted to open the door and the car was seen accelerating to get away. Crawley then walked up to a another vehicle in the parking lot and hit the window. Hawkins notified police and security, who later took Crawley into custody.

I made contact with Travis Duun who stated that himself and Hawkins were walking through the Excalibur parking lot and Crawley approached him mumbling something that could not be made out. Duun avoided Crawley and walked passed him, while doing so he looked back and saw Crawley stop Hawkins by getting in his face. Duun observed Crawley reach for something and Hawkins jumped back stating he's got a knife. Duun called the police and observed Crawley walk towards a silver Mercedes SUV in the parking lot and attempted to get into the vehicle by opening the door, failing to do so because the vehicle accelerated to get away from Crawley. Crawley then approached another unknown vehicle and hit the window.

Officer's took Crawley into custody and while conducting a pat down a pink knife with a assisted blade was found in his right rear pocket after Crawley made statements that he did not have a knife.

*Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).*

Arresting Officer: J CURRY

P#: 17371

LVMPD 802 (Rev 02/16) Word 2013

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**CONTINUATION REPORT**

SCOPE ID: 7031173 EVENT #: LLV190600356903

Page 2 of 2

Based on the facts and circumstances of Crawley being in the face of Hawkins while holding a knife with the blade exposed causing Hawkins to jump back in fear that he was going to cause bodily harm, Crawley was charged with Assault, W/Dw(F)-NRS 200.471.2B and booked into CCDC accordingly.

\*\*\*\*\* End \*\*\*\*\*

*Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).*

Arresting Officer: J CUPRY

PA: 17371

LVMPD 602 (Rev 02/18) Word 2013



1 **MEMO**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 DAVID STANTON  
6 Chief Deputy District Attorney  
7 Nevada Bar #003202  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 DAINE ANTON CRAWLEY,  
13 #7031173

14 Defendant.

CASE NO: C-19-341735-1

DEPT NO: VI

15 **SENTENCING MEMORANDUM**

16 DATE OF HEARING: MARCH 4, 2020  
17 TIME OF HEARING: 9:00 A.M.

18 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County  
19 District Attorney, through DAVID STANTON, Chief Deputy District Attorney, and hereby  
20 submits this Memorandum for the Court's consideration.

21 **STATEMENT OF THE CASE**

22 "Defendant has ten (10) prior felony convictions – he is 33 years old. His felony  
23 criminal resume spans three (3) state and almost twenty (20) years. More careful analysis of  
24 his prior convictions reveals that many also involve the use of or threat to use force. As such,  
25 he represents a significant and ongoing threat to this, or any other community that he resides.

26 ///

27 ///

28 ///

1 STATEMENT OF FACTS

2 NEVADA CASES

3 In April 2016 CRAWLEY stole a woman's purse while using a diversionary technique.  
4 The adult female victim ran after CRAWLEY and notified security. CRAWLEY stated a  
5 series of elaborate lies to both security personnel and Metro officers upon their arrival.  
6 CRAWLEY claimed that the victim's purse "looked like his girlfriends" and he took it to find  
7 the ID inside of it to confirm his belief.

8 Additionally, CRAWLEY insisted that his true and correct name was "William James  
9 Thomas Harris." Ultimately CCDC personnel were able to correctly identify CRAWLEY via  
10 fingerprint identification. Ultimately, CRAWLEY was convicted of Attempted Grand  
11 Larceny for this offense before Judge Villani in September 2016. It should be noted that the  
12 PSI was an FTA-PSI since CRAWLEY failed to interview with Parole & Probation.

13 In June 2019 police responded to the Excalibur and Luxor casinos in reference to  
14 CRAWLEY threatening pedestrians with a knife. Witnesses described to police that  
15 CRAWLEY began verbally threatening several pedestrians. Soon after those verbal threats,  
16 CRAWLEY pulled out a knife from his backpack and then threatened to kill/injure them.  
17 CRAWLEY then approached a vehicle with three (3) female occupants. CRAWLEY  
18 attempted to rip open the door while holding a knife. The occupants were so afraid that they  
19 sped off. CRAWLEY then walked up to another vehicle and repeatedly struck the car's  
20 window in an attempt to gain entry.

21 When police arrived, CRAWLEY denied having a knife on his person, however, police  
22 found a knife on his person during a search incident to his arrest. CRAWLEY, prior to his  
23 sentencing, committed several misdemeanor offense but also another felony (C19-342881 –  
24 Grand Larceny).

25 In that case, committed on August 9, 2019, CRAWLEY stole in excess of \$3,500.00 at  
26 Neiman Marcus. It took 3 loss prevention officers to take CRAWLEY into custody based  
27 upon his physical resistance to being placed under arrest.  
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**ARGUMENT**

CRAWLEY has had his probation revoked four (4) times under felony sentences. He has repeatedly been arrested for criminal acts while felony charges are pending. CRAWLEY has also been revoked from parole on several occasions. CRAWLEY has served four (4) distinct and separate felony prison terms. He has eight (8) misdemeanor convictions for theft and violence related crimes.

**CONCLUSION**


For the reasons set forth above, the State is asking this Court to adjudicate CRAWLEY as a habitual offender and sentence him accordingly.

DATED this 2 day of March, 2020.

Respectfully submitted,

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

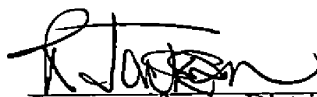
BY

  
\_\_\_\_\_  
DAVID STANTON  
Chief Deputy District Attorney  
Nevada Bar #003202

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that service of Enter document, was made this 3<sup>rd</sup> day of March 2020, by Electronic Filing to:

CARL ARNOLD, ESQ.  
Lvcegal@yahoo.com



\_\_\_\_\_  
Secretary for the District Attorney's Office

DS/rmj/L3

THIS SEALED  
DOCUMENT,  
NUMBERED PAGE(S)  
112 - 125  
WILL FOLLOW VIA  
U.S. MAIL

In The Eighth Judicial District Court of The  
State of Nevada In  
AND FOR THE COUNTY OF CLARK

FILED

APR 06 2020

*[Signature]*  
CLERK OF COURT

The State of Nevada

Plaintiff,

vs.

Case No.: C-19-341735-1

Dept. No.: VI

Docket No.: \_\_\_\_\_

Daine Anton Crawley # 7031173

NDOC # 1167447

Defendant

Notice of Appeal

Notice is hereby given that Daine A. Crawley, Defendant above named, hereby appeals to the Supreme Court of Nevada from The Honorable Jacqueline M. Bluth Department VI, Clerk County Eighth Judicial District Court case number C341735. Lanying Concealed Firearm, or other Deadly Weapon, to wit Multi-purpose tool / Knife; Adjudicated as a small habitual Category B 64-240 months.

The Defendant now comes forth to file this entitled notice of Appeal due to the error / errors within PSI. The Defendant would like to note that communication with counsel has been strained due to the COVID 19, Corona Virus Pandemic. The Sentencing hearing was continued from March 4<sup>th</sup>, 2020 to April 1<sup>st</sup>, 2020 in order to have new PSI ordered. As stated in supplementary "PSI" provided April 1<sup>st</sup>, 2020, Attorney

RECEIVED

APR 06 2020

CLERK OF THE COURT

1 Carl Arnold was never reached to give response according  
2 to "Page 7" of Supplemental Information in PSI dated  
3 March 24<sup>th</sup>, 2020. The information also states on "Page 7" that  
4 "The Defendant" responded Via Email with a "Statement"  
5 regarding errors. The Defendant was and still is in custody  
6 for the past "260 days" and could not or done so. A new  
7 "PSI" was never clarified, and since neither Defendant  
8 Crawley nor Attorney Carl Arnold were contacted the "PSI"  
9 was never clarified in any respect; Convictions, incarcerations  
10 Mental Health, Substance Abuse Etc. The Defendants probation  
11 Success Probability Score (PSP) used at sentencing failed to  
12 properly account for Mental Health and/or physical handicap  
13 as previously noted in the transcripts from all District Court  
14 hearings starting in November 2019. Blankenship VS. State  
15 Supreme Court of Nevada July 21, 2016. In addition to  
16 these most prevalent errors there are various Complaints  
17 noted by defendant for ineffective Counsel / withdraw guilty  
18 plea motions filed in October / November 2019. The Defendant  
19 is requesting that the sentence be challenged due to  
20 these errors, but not limited to the lack of contact with  
21 Substitute Attorney amid the COVID 19 / Corona Virus  
22 Outbreak. If alternate Counsel regarding these errors will  
23 please submit this Notice of Appeal, and note a request  
24 of procedure for modifying the records in question, as  
25 directed by PNP. It is a known fact that PNP for  
26 said jurisdictions have failed to respond regarding  
27 Convictions used to obtain habitual sentence. Please note  
28

1 that Defendant Crawley signed a 1 to 5 year probationable Sentence  
2 and was told that the "State would not seek habitual Sentence" at  
3 Signing, Court records will show. There was inadequate time to  
4 discuss errors before April 1<sup>st</sup>, 2020 with substitute attorney.  
5 Before rendition of sentencing, a continuance was denied even  
6 though appointed Counsel Carl Arnold was not present. In  
7 addition to these issues previously noted, a violation  
8 of Due process rights has been disclosed according to  
9 NRS 171.174 regarding June 12<sup>th</sup>, 2019 arrest, and the  
10 delay of 72 hour hearing until June 17<sup>th</sup>, 2019. July  
11 1<sup>st</sup>, 2019 preliminary Hearing was continued multiple times without  
12 Defendant being present, leading Defendant to feel Plea like  
13 agreement only viable option. Respectively.

14 DATED THIS 1<sup>st</sup> day of April, 2020.

15 I Daine Anton Crawley do

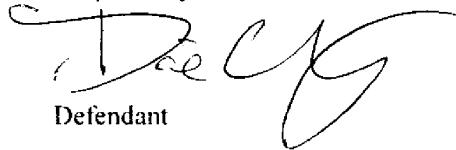
16 solemnly swear, under the penalty of perjury, that

17 the above Notice of Appeal is accurate.

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

19 NRS 171.102 and NRS 208.165.

20 Respectfully submitted.

21   
22  
23 Defendant

24  
25 NRS 208.165 A prisoner may execute any instrument by signing his name immediately  
26 following a declaration "under penalty of perjury" with the same legal effect as if he had  
27 acknowledged it or sworn to its truth before a person authorized to administer oaths. As used in  
28 this section, "prisoner" means a person confined in any jail or prison, or any facility for the  
detention of juvenile offenders in this state.

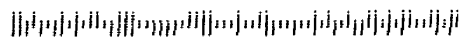
Daine Crawley #7031173  
CCDC  
330 S. Casino Center BLVD.  
Las Vegas, NV 89101

LAS VEGAS NV 890  
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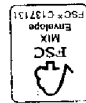
Clerk of District Court  
200 Lewis Avenue, 3<sup>rd</sup> Floor  
Las Vegas, NV 89155-1160

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*Steven D. Grierson*

JOCP

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DAINE ANTON CRAWLEY  
#7031173

Defendant.

CASE NO. C-19-341735-1

DEPT. NO. VI

JUDGMENT OF CONVICTION  
(PLEA OF GUILTY)



The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON (Category C Felony) in violation of NRS 202.350(1)(d)(3); thereafter, on the 1<sup>st</sup> day of April, 2020, the Defendant was present in court for sentencing with counsel ROGER BAILEY, ESQ., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense under the SMALL HABITUAL Criminal Statute and, in addition to the \$25.00 Administrative Assessment Fee and \$250.00 Indigent Defense Civil Assessment Fee plus \$3.00 DNA Collection Fee, the Defendant is sentenced to the Nevada Department of Corrections (NDC) as follows: a MAXIMUM of TWO HUNDRED FORTY (240)

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

1 MONTHS with a MINIMUM parole eligibility of EIGHTY-FOUR (84) MONTHS; with  
2 SIXTY-SEVEN (67) DAYS credit for time served. As the \$150.00 DNA Analysis Fee  
3 and Genetic Testing have been previously imposed, the Fee and Testing in the  
4 current case are WAIVED.  
5

6 DATED this 6<sup>th</sup> day of April, 2020.

7  
8   
9 JACQUELINE M. BLUTH  
10 DISTRICT COURT JUDGE   
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**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA IN AND FOR  
THE COUNTY OF CLARK**

STATE OF NEVADA,

Plaintiff(s),

vs.

DAINE ANTON CRAWLEY,

Defendant(s),

Case No: C-19-341735-1

Dept No: VI

**CASE APPEAL STATEMENT**

1. Appellant(s): Daine Crawley

2. Judge: Jacqueline M. Bluth

3. Appellant(s): Daine Crawley

Counsel:

Daine Crawley #7031173  
330 S. Casino Center Blvd.  
Las Vegas, NV 89101

4. Respondent: The State of Nevada

Counsel:

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

(702) 671-2700

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

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

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

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

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

9. Date Commenced in District Court: July 11, 2019

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

Type of Judgment or Order Being Appealed: Judgment of Conviction

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

Dated This 13 day of April 2020.

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: Daine Crawley



**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

May 27, 2020

**Attorney:** Roger Bailey  
Sgro & Roger  
c/o Roger C Bailey  
720 S 7th St 3rd Fl  
Las Vegas NV 89101

**Case Number:** C-19-341735-1  
**Department:** Department 6

**Defendant:** Daine Anton Crawley

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3:70.

**Pleadings: Ex Parte Motion For Appointment Of Counsel And Request For Evidentiary  
Hearing**

**Rule 3.70. Papers which May Not be Filed**

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,

DC Criminal Desk # 19

Deputy Clerk of the Court

Daine Anton Crawley  
Inmate No. 1167447  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070

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

Daine Anton Crawley # 1167447  
Petitioner,

v.

STATE OF NEVADA,

Respondent.

Case No. C341735 (Appeal)

**EX PARTE MOTION FOR**  
**APPOINTMENT OF COUNSEL**  
**AND REQUEST FOR**  
**EVIDENTIARY HEARING**

COMES NOW Petitioner Daine Anton Crawley in Proper Person, and moves this Court for its order allowing the appointment of counsel for Petitioner and for evidentiary hearing. This motion is made based in the interest of justice.

Pursuant to NRS 34.750(1),

A petition may allege that the petitioner is unable to pay the costs of the proceedings or to employ counsel. If the court is satisfied that the allegation of indigency is true and the petition is not dismissed summarily, the court may appoint counsel to represent the petitioner. In making its determination, the court may consider, among other things, the severity of the consequences facing the petitioner and whether:

- (a) The issues presented are difficult;
- (b) The petitioner is unable to comprehend the proceedings; or

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**APR 21 2020**

**CLERK OF THE COURT**

(c) Counsel is necessary to proceed with discovery.

Petitioner is presently incarcerated at High Desert State Prison, Indian Springs, Nevada, where he is unemployed, indigent, and unable to retain private counsel to represent him.

Petitioner is unlearned and unfamiliar with the complexities of Nevada state law, particularly state post-conviction proceedings. Furthermore, Petitioner alleges that the issues in this case are complex and require an evidentiary hearing. Petitioner is unable to factually develop and adequately present the claims without an evidentiary hearing.

Petitioner hereby respectfully requests that the Court appoint counsel and set a date for evidentiary hearing for the reasons stated above.

DATED this 26<sup>th</sup> day of April, 2020.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Daile C. V.", written over a horizontal line.

Petitioner

Daine Cawley 1167447  
HDSF  
PO BOX 650  
Indian Springs, NV 89070

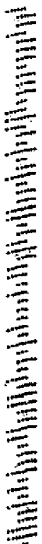
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ZIP 89101  
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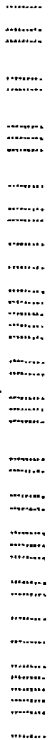


Clerk of The Court  
200 Lewis Avenue, 3rd Floor  
Las Vegas, NV 89155-1160

INTAKE  
NSF 3763



5400 0003610168



UNIT 1 C/D

APR 19 2020

HIGH DESERT STATE PRISON



**CARL E.G. ARNOLD, ESQ.**

Nevada Bar No. 008358

LVCEGA1@yahoo.com

1428 S. Jones Blvd.

Las Vegas, NV 89146

(702) 358-1138

*Attorney for Appellant*

EIGHTH JUDICIAL DISTRICT COURT

FOR THE DISTRICT OF NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

DAINE CRAWLEY,

Defendant.

Case No: C-19-341735-1

Dept.: 6

**REQUEST FOR TRANSCRIPT OF**  
**PROCEEDINGS**

TO: COURT RECORDER FOR DEPARTMENT 6

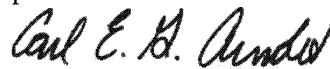
APPELLANT requests preparation of a transcript of the proceedings before the District Court, as follows: For the Argument on February 19, 2020 re Motion to Withdraw the Guilty Plea.

The Honorable Jacqueline Bluth presided over the hearing.

The Defendant is asking for only one copy.

I hereby certify that on June 8, 2020, I ordered the transcripts listed above from the court recorder named above and no deposit was required.

Dated June 8, 2020



CARL E.G. ARNOLD, ESQ.

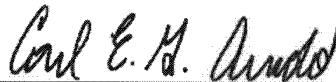
1428 S. Jones Blvd.

Las Vegas, NV 89146

(702) 358-1138

**CERTIFICATE OF SERVICE**

I hereby certify and affirm that on the June 8, 2020, I served a true and correct copy of the attached **REQUEST FOR TRANSCRIPT OF PROCEEDINGS** on the Clark County District Attorney, by emailing said copy to [pdmotions@clarkcountyda.com](mailto:pdmotions@clarkcountyda.com). I hereby certify and affirm that on the June 8, 2020, I served a true and correct copy of the attached **REQUEST FOR TRANSCRIPT OF PROCEEDINGS** on the Court Recorder for Department 6 by sending the request by facsimile to Department 6's chambers.



**CARL E.G. ARNOLD, ESQ.**

Nevada Bar No. 008358

LVCEGA1@yahoo.com

1428 S. Jones Blvd.

Las Vegas, Nevada 89146



**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

---

July 13, 2020

**Attorney:** Roger Bailey  
Sgro & Roger  
c/o Roger C Bailey  
720 S 7th St 3rd Fl  
Las Vegas NV 89101

**Case Number:** C-19-341735-1  
**Department:** Department 6

**Defendant:** Daine Anton Crawley

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: **Motion To Modify And/or Correct Illegal Sentence And Notice Of Motion**

**Rule 3.70. Papers which May Not be Filed**

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,  
DC Criminal Desk # 40  
Deputy Clerk of the Court

PP  
AOR

1 Daine Anton Crawley  
2 Defendant/ In Propria Person  
3 Post Office Box 650  
4 Indian Springs, Nevada 89018

5 IN THE 8<sup>th</sup> JUDICIAL DISTRICT COURT OF THE STATE  
6 OF NEVADA IN AND FOR THE COUNTY OF Clark

7  
8 The State of Nevada  
9 Plaintiff,

10 VS

11 Daine Anton Crawley # 1167447  
12 Defendant.

Case No. C341735

Dept NO. VI

13 HDSP P.O Box 650 Indian Springs, NV 89070

14  
15 MOTION TO MODIFY AND/OR CORRECT  
16 ILLEGAL SENTENCE

17 Date of hearing :

18 Time of hearing :

19  
20 COMES NOW, DEFENDENT, Daine Anton Crawley, proceeding  
21 in proper person, hereby Motion this Honorable Court  
22 pursuant to N.R.S 176.555 and Edwards v. state.

23 This motion is made in based upon all papers and pleadings  
24 on file, the points and authorities and exhibits attached  
25 here to.

26 RECEIVED

27 JUN 25 2020 dated; this 24<sup>th</sup> day of June, 2020.

28 CLERK OF THE COURT

### POINTS AND AUTHORITIES

"Motion to modify sentence" is limited in scope to sentences based on mistaken assumptions about defendant's criminal record which work to defendant's extreme detriment, while " Motion to correct illegal sentence " addresses only facial legality of sentence. State v. District Court, 100 nev. 90, 97, 677 p.2d 1044 1048 (1984), and Edwards v. State, 918 p.2d 321 (nev. 1996).

Further N.R.S 176.555 Motion to Modify and/or Correct a sentence, may be filed at any time.

Defendant herein alleges that his sentence should be modified and/or corrected pursuant to the following facts.

Due to restrictions amid the COVID19/coronavirus pandemic the defendant was unable to discuss errors with PST/PSP Score with Court appointed Counsel prior to Sentencing in relation to Mental Health/physical Handicap. The PSP Score sentencing forms constituted palpable, or highly suspect evidence especially noted within the present offense, Social History, and Pre-Sentence Adjustment Categories. These factual and/or methodological errors were not corrected before April 1<sup>st</sup>, 2020 sentencing nor did Mr. Crawley have ample time to discuss matters with Substitute Attorney since appointed Attorney Carl Arnold was not present. Blankenship VS. State July 21<sup>st</sup> 2016. It is known that these errors would have protected a lower Sentencing recommendation. Administrative order 20-06

filed March 18<sup>th</sup>, 2020 <sup>-CONT-</sup> titled "In the administrative matter of court operations of criminal matters in response to COVID-19" lines 8-17 clearly state "Attorney-client conversations will be facilitated if needed; however attorneys are cautioned that it will be absolutely necessary to prepare clients for guilty pleas, Sentencings, and probation revocations prior to court". Court transcripts as well as Supplemental PSI provided by District Attorney David Stanton "Page 7" discloses the lack of contact with counsel, and failure to address "PSI" errors. It is necessary to review the Petition for Writ of Habeas Corpus filed on June 12<sup>th</sup>, 2020 to further enlighten the court of these discrepancies. The defendants completion of Substance Abuse Counseling on March 15<sup>th</sup>, 2020 while at CCDC and various Self Help programming ranging from Substance Abuse to Life Skills from August 2019 - April 2020 were not taken into consideration or reviewed due to these COVID 19 restrictions, as was intended. Mr. Crawley was approved for the Drug Court program for District Case C342881 and was awaiting approval for District Case C341735 in which Case C342881 was to run-concurrent for a 1 to 5 year probationable, 12 to 36 month PNP recommended sentence. The outcome was 84 to 240 months without being accredited the

1 261 days from August 2019 to April 2020. The remand  
2 for case C341735 was in error due to lack of  
3 fingerprints, mugshot etc. until February 2020 despite  
4 being in custody. Violation NRS 171.179, NRS 171.104,  
5 NRS 171.196. Mr. Crawley has been sentenced to the  
6 184 program for case C342881, and is asking the  
7 court to modify this sentence for case C341735  
8 so he can be a participant in the program. The  
9 court's consideration of this motion is greatly appreciated  
10 for the intention of rehabilitation purposes. The  
11 defendant Daine Anton Crawley prays that the court will  
12 consider the above errors, and re sentence accordingly.

13  
14 DATED THIS 24<sup>th</sup> day of June, 2020.

15 I, Daine Anton Crawley, do

16 solemnly swear, under the penalty of perjury, that

17 the above Motion to Modify Sentence is accurate,

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

19  
20 NRS 171.102 and NRS 208.165.

21 Respectfully submitted,

22   
23 Defendant

24  
25 NRS 208.165 A prisoner may execute any instrument by signing his name immediately  
26 following a declaration "under penalty of perjury" with the same legal effect as if he had  
27 acknowledged it or sworn to its truth before a person authorized to administer oaths. As used in  
28 this section, "prisoner" means a person confined in any jail or prison, or any facility for the  
detention of juvenile offenders in this state.

Thereby, pursuant to the facts and the law stated herein,  
Defendant, request that his sentence be modified/corrected as

follows: If resentenced, and not adjudicated habitual  
criminal 12 to 36 months as recommended previously  
by PNP Category C non-violent, with 184 program

If resentenced, and adjudicated habitual  
criminal 60 - 150 months, as was recommended  
by District Attorney originally, and protected if PSI/PSP  
issues are amended with 184 program

Dated; this 24<sup>th</sup> DAY OF June, 2020.

Daine Anton Crawley

1167417<sup>#</sup>

Defendant/propria person

**CERTIFICATE OF SERVICE BY MAILING**

I, Daine Anton Crawley, hereby certify, pursuant to NRCP 5(b), that on this 24<sup>th</sup>  
day of June, 2020, I mailed a true and correct copy of the foregoing, "

Motion to modify sentence

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

Clark County District Court  
206 Lewis Avenue  
Las Vegas, NV 89155

CC:FILE

DATED: this 24<sup>th</sup> day of June, 2020

Dae UG 1167447 #

/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 to Modify Sentence  
(Title of Document)

filed in District Court Case number C341735

☒ 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.

  
Signature

6/24/20  
Date

Daine Anton Cranley  
Print Name

Motion  
Title

1 Case No. C341735

2 Dept. No. VI

3  
4  
5 IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6  
7 IN AND FOR THE COUNTY OF Clark

8 The State of Nevada  
9 Plaintiff,

10 vs.

11 Daine Anton Crawley,

12 Defendant,

Case No. C341735

Dept No. VI

Docket \_\_\_\_\_

13  
14 **NOTICE OF MOTION**

15 **YOU WILL PLEASE TAKE NOTICE, that** MOTION TO MODIFY AND/OR

16 CORRECT ILLEGAL SENTENCE

17 will come on for hearing before the above-entitled Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
18 at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M. In Department \_\_\_\_\_, of said Court.

19  
20 CC:FILE

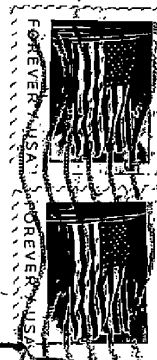
21  
22 DATED: this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

23  
24 BY: Daine Anton Crawley

25 \_\_\_\_\_ #  
26 /In Propria Personam  
27  
28

Daine Crawley # 1167447  
P.O. Box 6550  
Indian Springs, NV 89070

24 JUN 2020 12:14 PM  
LAS VEGAS, NV 890



Clark County District Court Clerk  
200 Lewis Avenue, 3<sup>rd</sup> Floor  
Las Vegas, NV 89155

LEGAL MAIL

HIGH DESERT STATE PRISON  
JUN 23 2020  
UNIT 6 C/D



**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

---

October 12, 2020

**Attorney:** Roger Bailey  
Sgro & Roger  
c/o Roger C Bailey  
720 S 7th St 3rd Fl  
Las Vegas NV 89101

**Case Number:** C-19-341735-1  
**Department:** Department 6

**Defendant:** Daine Anton Crawley

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

**Pleadings: Motion For Appointment Of Counsel**

**Rule 3.70. Papers which May Not be Filed**

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,

DC Criminal Desk # 7

Deputy Clerk of the Court

Ex-Parte Motion For  
Appointment of Counsel / Evidentiary Hearing

In the 8<sup>th</sup> Judicial District Court of  
The State of Nevada IN and FOR The  
County of Clark

The State of Nevada,

Plaintiff,

Case NO: C341735

VS.

DEPT NO: VI

Daine Anton Crawley #1167447  
HDSP

P.O BOX 650

Indian Springs, NV 89070

The Defendant Daine Anton Crawley now comes forth to file the entitled motion to request the appointment of Alternate Counsel to assist with the filing of the Post Conviction Relief Habeas Corpus, and Motion to Modify and/or Correct Illegal Sentence that were both received by the Clerk of Clark County District Court in June 2020. Under Rule 3.70 it said that a Defendant cannot file these documents on his/her own behalf if Counsel has been appointed. An attorney by the name of Roger C. Bailey was

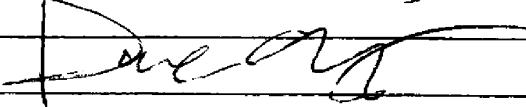
RECEIVED

SEP 30 2020

CLERK OF THE COURT

previously appointed<sup>CONT-</sup> by way of ex-parte motion on 5/27/2020. However after many attempts to Mr. Bailey at 720 S. 7<sup>th</sup> Street, 3<sup>rd</sup> Floor Las Vegas, NV 89101 phone Number (702) 384-9800, to no avail. It was stated by the Nevada State Bar that Mr. Bailey is now affiliated with the same Law Firm of Carl Arnold at 1428 S. Jones BLVD Las Vegas, NV 89146. The purpose of the entitled motion is to request alternate Counsel that is not-biased in the filing of said motion to modify sentence, and Post Conviction Habeas Corpus Evidentiary proceedings. It is the defendant's assertion that there is now a conflict of interest cited within the CEGA Law Firm and Mr. Bailey. It would be in the best interest of the Defendant if alternate can be provided. If alternate Counsel cannot be provided for any reason deemed by the Court. Please assist Defendant Crawley with locating Mr. Roger C. Bailey since he cannot be located at this time. Thank you for your assistance and filing of this urgent legal matter. Respectively,

Daine Crawley #1167447



PO BOX 650 Indian Springs, NV 89020  
Daine Crawley #1167447  
Defendant/ In

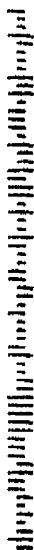
Daine Crawley #1167440  
HDSP  
PO BOX 650  
Indian Springs, NV 89070

LAS VEGAS NV 890

28 SEP 2020 PM 3 L



Clerk of District Court  
200 Lewis Avenue, 3rd Floor  
Las Vegas, NV 89155 - 1160



000003-10159

UNIT 7 C/D  
LEGAL MAIL

HIGH DESERT STATE PRISON

SEP 15 2020



**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

---

December 28, 2020

**Attorney:** Roger Bailey  
Sgro & Roger  
c/o Roger C Bailey  
720 S 7th St 3rd Fl  
Las Vegas NV 89101

**Case Number:** C-19-341735-1  
**Department:** Department 6

**Defendant:** Daine Anton Crawley

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: **Motion For Production Of Documents**

**Rule 3.70. Papers which May Not be Filed**

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,  
DC Criminal Desk # 7  
Deputy Clerk of the Court

1 Daine Crowley # 1167447

2 Defendant/ In Propria Personam

3 Post Office Box 650 [HDSF] - SDCC P.O. Box 208  
4 Indian Springs, Nevada 89018 89070

5 **DISTRICT COURT**

6 Clark COUNTY, NEVADA

7 State of Nevada,

8 Plaintiff,

9 vs.

10 Daine Crowley # 1167447

11 Defendant.

Case No. C3411735

Dept No. VI

Docket \_\_\_\_\_

12 **MOTION FOR PRODUCTION OF DOCUMENTS,**  
13 **PAPERS, PLEADINGS AND TANGIBLE PROPERTY OF DEFENDANT**

14 Date of Hearing: \_\_\_\_\_

15 Time of Hearing: \_\_\_\_\_

16 "ORAL ARGUMENT REQUESTED, Yes X No \_\_\_\_"

17 COMES NOW, Defendant Daine Anton Crowley, proceeding in proper person,

18 hereby moves this Honorable Court for its ORDER for the production of all documents, papers,

19 pleadings and tangible property in the possession of: Roger C. Bailey

20 CEGA Law Group 1428 S. Jones BLVD. Las Vegas, NV 89146

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

23 Affidavit of Defendant.

24 DATED: this 16<sup>th</sup> day of November, 2020

25 BY: Daine A. Crowley # 1167447

26 Defendant/In Propria Personam

27 RECEIVED

28 DEC - 7 2020

CLERK OF THE COURT

1 Daine A. Crawley #1167447  
2 / In Propria Personam  
3 Post Office Box 650 ~~HDSP~~ SDCC P.O. Box 208  
4 Indian Springs, Nevada 89018 ~ 89070

5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA  
7

8 State of Nevada

9 Plaintiff

10 vs.

11 Daine Anton Crawley #1167447  
12 Defendant  
13

Case No. C341735

Dept No. VI

Docket \_\_\_\_\_

14 NOTICE OF MOTION

15 YOU WILL PLEASE TAKE NOTICE, that Daine Anton Crawley #1167447  
16

17 will come on for hearing before the above-entitled Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
18 at the hour of \_\_\_\_\_ o'clock \_\_\_\_ M. In Department \_\_\_\_\_ of said Court.  
19

20 CC:FILE

21  
22 DATED: this 16<sup>th</sup> day of November, 2020  
23

24 BY: Daine A. Crawley #1167447  
25 \_\_\_\_\_  
26 /In Propria Personam  
27  
28

1 **POINTS AND AUTHORITIES**

2 The Nevada Revised Statute 7.055(1), which deals with the duty of a discharged attorney, states:

3 "An attorney who has been discharged by his client shall, upon demand and payment of the fee due from  
4 the client, immediately deliver to the client all papers, documents, pleadings and items of tangible property  
which belong to or were prepared for that client."

5 As can be seen in this case, the defendant does not owe any fees, in fact, they, meaning counsel(s)  
6 of record, were appointed by the Court to represent the defendant, who was an indigent, in Case  
7 Number, C341735 in Department No. VI.

8 N.R.S. 7.055(2) gives this Court the power to Order the Attorney(s) of record to produce and  
9 deliver to the defendant in his/her possession, which states:

10 "A client who, after demand therefore and payment of the fee due from him, does not receive from his  
11 discharged attorney all papers, documents, pleadings and items of tangible personal property may, by  
12 a motion filed after at least 5 days' notice to the attorney, obtain an order for the production of his papers,  
Documents, pleadings and other property."

13 In numerous cases throughout this great land, the courts have held attorneys to a high degree of  
14 professional responsibility and integrity. This carried from the time of hiring to and through the  
15 attorney's termination of employment.

16 Supreme Court Rule 173 states quite clear that a withdrawn attorney owes his former client a  
17 "... prompt accounting of all his client's ... property in his possession." This is echoed in Canon 2  
18 of the Code of Professional Responsibility of the American Bar Association, which states in pertinent  
19 part EC 2-32: "A lawyer should protect the welfare of his client by ... delivering to the client all  
20 papers and property to which the client is entitled." Again in Disciplinary Rule 2-110(A)(2) of the  
21 ABA, this is brought out that a withdrawn attorney must deliver to the client all papers and comply  
22 with applicable laws on the subject.

23 In the cases of In Re Yount, 93 Ariz. 322, 380 P.2d 780 (1963) and State v. Alvey, 215 Kan. 460,  
24 524 P.2d 747 (1974), both of which dealt with a factual situation involving a withdrawn attorney  
25 refusing to deliver to a former client his documents after being requested to do so by the client. The  
26 court in Yount, supra, ordered the attorney disbarred while in Alvey, supra, the court had the  
27 attorney censured.

1 While not the intention of the Defendant in this case to have the attorney disbarred, these cases do  
2 show a pattern in the court in considering the refusal to deliver to a former client all his documents  
3 and property after being requested to do so, a serious infraction of the law and of professional ethics.  
4 See, In Re Sullivan, 212 Kan. 233, 510 P.2d 1199 (1973).

5 In summary, this court has jurisdiction through NRS 7.055 to Order the attorney(s) to produce  
6 and deliver to the Defendant all documents and personal property in his/their possession belonging to  
7 him or prepared for him. The Defendant has fulfilled his obligations in trying to obtain the papers.  
8 The attorney(s) is in discord with Cannon 2 of the Code of Professional responsibility and the Nevada  
9 Supreme Court Rules 173, 176 and 203.

10  
11 DATED: this 16<sup>th</sup> day of November, 2020

12  
13 BY: Daine Anton Crawley #1167447  
14 Defendant/In Propria Personam  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE BY MAILING**

I, Daine Anton Crawley, hereby certify, pursuant to NRCP 5(b), that on this 16<sup>th</sup>  
day of November, 2020, I mailed a true and correct copy of the foregoing, "Transcripts / Tangible documents"  
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

200 Lewis Avenue  
Las Vegas, NV 89155  
Clark County District Court  
Clerk of Court

CC:FILE

DATED: this 16<sup>th</sup> day of November, 2020

Daine Crawley # 1167447

/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 \_\_\_\_\_

Transcripts / Tangible Documents Motion  
(Title of Document)

filed in District Court Case number C 341735

☒ 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.

  
Signature

11/16/20  
Date

Daine A. Crawley  
Print Name

Produce Documents  
Title

DISTRICT COURT  
CLARK COUNTY, NEVADA

State of Nevada

Plaintiff

vs.

Daine Anton Crawley #1167447

Defendant

Case No. C341735

Dept. No. VI

Docket

ORDER

Upon reading the Motion of the Defendant, Daine A. Crawley, requesting production of all documents, papers, pleadings and tangible property, and having determined that the movant has demonstrated Good Cause Appearing,

IT IS HEREBY ORDERED that Defendant's Motion for the Production of Documents, Papers, Pleadings and Tangible Property is GRANTED.

IT IS HEREBY FURTHER ORDERED that the Clerk of the Court is directed to prepare all Documents Papers, Pleadings, and Tangible Property to the Defendant at the following address:

Transcripts and file Habers Corpus from June 19<sup>th</sup> 2020 for  
Daine Anton Crawley #1167447 SDCC P.O. BOX 208 89070

DATED and DONE this 16<sup>th</sup> day of November, 2020

DISTRICT COURT JUDGE

Daine A. Cradley #11671447  
SDC  
P.O. Box 208  
Indian Springs, NV 89070

363  
450262

LEGAL MAIL

RECEIVED  
DEC - 7 2020 Clerk of District Court  
CLERK OF THE COURT 200 Lewis Avenue, 3rd Floor  
Las Vegas, NV 89155

8910186300 0075

"Correspondence"  
LEGAL 7937  
"Confidential"

PO  
DA  
AOL  
P.  
Bailey

1 Daine Crawley #1167447

/In Propria Personam

2 ~~Post Office Box 650 [HDSPI]~~ 5 DEC PO Box 208  
3 Indian Springs, Nevada 89018-89070

FILED

DEC 28 2020

~~John L. Hanning~~  
CLERK OF COURT

4  
5 IN THE Eighth JUDICIAL DISTRICT COURT OF THE

6 STATE OF NEVADA IN AND FOR THE COUNTY OF Clark

7  
8 State of Nevada

9 plaintiff

10 vs.

11 Daine Anton Crawley #1167447

12 Defendant

Case No. C341735

Dept. No. VI

Docket \_\_\_\_\_

13  
14 **MOTION TO WITHDRAW COUNSEL**

15 Date of Hearing: \_\_\_\_\_

16 Time of Hearing: \_\_\_\_\_

January 20, 2021  
10:15 AM

17 'ORAL ARGUMENT REQUESTED, Yes X

18 COMES NOW, Defendant, Daine Anton Crawley,

19 proceeding in proper person,  
20 moves this Honorable Court for an ORDER Granting him permission to withdraw his present counsel  
21 of record in the proceeding action, namely,

22 Roger C. Bailey (RE: Cannot locate Mr. Bailey)

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

26 DATED: this 16<sup>th</sup> day of November, 2020.

27 BY: Daine Anton Crawley #1167447

/In Propria Personam

RECEIVED

DEC - 7 2020

CLERK OF THE COURT

1 **POINTS AND AUTHORITIES**

2 NRS 7.055 states in pertinent part:

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

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

10 **WHEREFORE,** Defendant prays this Honorable Court, Grant his Motion to Withdraw Counsel  
11 and that counsel deliver to Defendant all papers, documents, pleadings, discovery and any other  
12 tangible property which belong to or were prepared for the Defendant to allow Defendant the proper  
13 assistance that is needed to insure that justice is served.

14  
15 **DATED:** this 16<sup>th</sup> day of November, 2020

16  
17 Respectfully submitted,

18  
19 BY: Daine Anton Crawley 1167447 #

20 /In Propria Personam  
21 Post Office Box 650 [HDSPT] SDC  
Indian Springs, Nevada 89018 P.O. Box 200  
22 09070

NAME: Daine Anton Crawley, # 1167447  
~~HIGH DESERT STATE PRISON~~ SDCC  
~~P.O. BOX 650~~ P.O. BOX 208  
INDIAN SPRINGS, NEVADA ~~89018~~  
89070

DATE: \_\_\_\_\_

TO: Roger C. Bailey  
(address formerly known as)  
1428 S. Jones BLVD.  
Las Vegas, NV 89146

SUBJECT: TERMINATION OF COUNSEL/TRANSFER OF RECORDS

CASE NO.: C341735

DEPT. NO.: VI

CASE NAME: Post conviction Habeas Corpus

Please be advised that from this date forward, your authority as Attorney of Record in the above-stated action is hereby terminated. All of the professional relations of Attorney and Client do hereby cease.

Please enter your withdrawal from this action with the Court immediately.

Pursuant to NRS 7.055, I respectfully request that you deliver to me, forthwith, all documents, papers, pleadings and tangible personal property that is in your possession that relates to the above-named action.

Your prompt attention to this request is genuinely appreciated.

Respectfully,

Daine

//////

//////

//////

**CERTIFICATE OF SERVICE BY MAILING**

I, Daine Anton Crawley, hereby certify, pursuant to NRCP 5(b), that on this 16<sup>th</sup>  
day of November, 2020 I mailed a true and correct copy of the foregoing, "Motion to withdraw Counsel (RE. Conflict of interest)"  
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

200 Lewis Avenue  
Las Vegas, NV 89155  
Clark County District  
Court clerk

CC:FILE

DATED: this 16<sup>th</sup> day of November, 2020.

\_\_\_\_\_  
#  
/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 \_\_\_\_\_

Withdrawal of Counsel (RE. Conflict of Interest)  
(Title of Document)

filed in District Court Case number C341735

☒ 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.

D. C.  
Signature

11/16/20  
Date

Daine Anton Crawley #116T447  
Print Name

Withdrawal Counsel  
Title

Ex-Parte Motion For  
Appointment of Counsel / Evidentiary Hearing

In the 8<sup>th</sup> Judicial District Court of  
The State of Nevada IN and FOR The  
County of Clark

The State of Nevada,

Plaintiff,

Case NO: C341735

VS.

DEPT NO: VI

Daine Anton Crawley #1167447  
HDSP

P.O BOX 650

Indian Springs, NV 89070

The Defendant Daine Anton Crawley now comes forth to file the entitled motion to request the appointment of Alternate Counsel to assist with the filing of the Post Conviction Relief Habeas Corpus, and Motion to Modify and/or correct Illegal Sentence that were both received by the Clerk of Clark County District Court in June 2020. Under Rule 3.70 it said that a Defendant cannot file these documents on his/her own behalf if Counsel has been appointed. An attorney by the name of Roger C. Bailey was

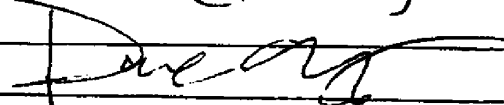
RECEIVED

SEP 30 2020

CLERK OF THE COURT

previously appointed<sup>CONT-</sup> by way of ex-parte motion on 5/27/2020. However after many attempts to Mr. Bailey at 720 S. 7<sup>th</sup> Street, 3<sup>rd</sup> Floor Las Vegas, NV 89101 Phone Number (702) 384-9800, to no avail. It was stated by the Nevada State Bar that Mr. Bailey is now affiliated with the same Law Firm of Carl Arnold at 1428 S. Jones BLVD Las Vegas, NV 89146. The purpose of the entitled motion is to request alternate counsel that is not-biased in the filing of said motion to modify sentence, and Post Conviction Habeas Corpus Evidentiary proceedings. It is the defendants assertion that there is now a conflict of interest cited within the CEGA Law Firm, and Mr. Bailey. It would be in the best interest of the Defendant if alternate can be provided. If alternate counsel cannot be provided for any reason deemed by the court. Please assist Defendant Crawley with locating Mr. Roger C. Bailey since he cannot be located at this time. Thank you for your assistance and filing of this urgent legal matter. Respectively,

Daine Crawley #1167447



PO BOX 650 Indian Springs NIVEADO  
Daine Crawley #1167447  
Defendent/ In

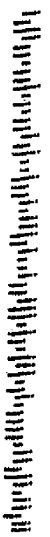
Diane A. Caudy #1161447  
SDC  
P.O. Box 208  
Indian Springs, NV 89070

3763  
490262

LEGAL MAIL

RECEIVED  
DEC - 7 2020 Clerk of District Court  
CLERK OF THE COURT 200 Lewis Avenue, 3rd Floor  
Las Vegas, NV 89155

8910186300 0075



" Correspondence  
LEGAL  
Confidential "

1 Daine Anton Crawley # 1167447  
2 / In Propria Personam  
3 Post Office Box 650 [HDSP] SDCC P.O. Box 208  
4 Indian Springs, Nevada 89018 89070

FILED  
DEC 28 2020  
Clerk of Court

DISTRICT COURT  
CLARK COUNTY, NEVADA

8 State of Nevada  
9 Plaintiff  
10 vs.  
11 Daine Anton Crawley # 1167447  
12 Defendant  
13

Case No. 1341735  
Dept No. VI  
Docket

NOTICE OF MOTION

15 YOU WILL PLEASE TAKE NOTICE, that Daine Anton Crawley  
16  
17 will come on for hearing before the above-entitled Court on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
18 at the hour of \_\_\_\_ o'clock \_\_\_\_ M. In Department \_\_\_\_ of said Court.

20 CC:FILE

January 20, 2021  
10:15 AM

22 DATED: this 16<sup>th</sup> day of November, 2020

24 BY: Daine A. Crawley 1167447  
25 #  
26 /In Propria Personam



**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

---

December 28, 2020

**Attorney:** Roger Bailey  
1428 S. Jones Blvd.  
Las Vegas, NV 89146

**Case Number:** C-19-341735-1  
**Department:** Department 6

**Defendant:** Daine Anton Crawley

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

**Pleadings: Please See Attached Motions**

**Rule 3.70. Papers which May Not be Filed**

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,  
DC Criminal Desk # 7  
Deputy Clerk of the Court

Daine Crawley

Defendent/ In Propria Person  
Post Office Box 650  
Indian Springs, Nevada 89018

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

The State of Nevada  
Plaintiff,

VS

Daine Crawley #1167447  
Defendent.

Case No. C341735

Dept NO. VI

SDCC

PO Box 208 Indian Springs, NV 89010

MOTION TO MODIFY AND/OR CORRECT  
ILLEGAL SENTENCE

Date of hearing :

Time of hearing :

COMES NOW, DEFENDENT, Daine Crawley, proceeding  
in proper person, hereby motion this Honorable Court  
pursuant to N.R.S 176.555 and Edwards v. state.

This motion is made in based upon all papers and pleadings  
on file, the points and authorities and exhibits attached  
here to.

Dated; this 1st day of December, 2020.

DEC - 8 2020

CLERK OF THE COURT

Daine Crawley  
#1167447  
DEFENDENT/

1 Case No. C341735

2 Dept. No. VI

3  
4  
5 IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6  
7 IN AND FOR THE COUNTY OF Clark

8 The State of Nevada  
9 Plaintiff,

10 vs.

11 Daine Crowley,  
12 Defendant,

Case No. C341735

Dept No. VI

Docket C341735

13  
14 **NOTICE OF MOTION**

15 **YOU WILL PLEASE TAKE NOTICE, that** MOTION TO MODIFY AND/OR

16 CORRECT ILLEGAL SENTENCE

17 will come on for hearing before the above-entitled Court on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
18 at the hour of \_\_\_\_ o'clock \_\_\_\_ M. In Department \_\_\_\_, of said Court.

19  
20 CC FILE

21  
22 DATED: this 1st day of December, 2020

23  
24 BY: Daine Crowley 1167497  
25 #  
26 /In Propria Personam  
27  
28

### POINTS AND AUTHORITIES

"Motion to modify sentence" is limited in scope to sentences based on mistaken assumptions about defendant's criminal record which work to defendant's extreme detriment, while " Motion to correct illegal sentence " addresses only facial legality of sentence. State v. District Court, 100 nev. 90, 97, 677 p.2d 1044 1048 (1984), and Edwards v. State, 918 p.2d 321 (nev. 1996).

Further N.R.S 176.555 Motion to Modify and/or Correct a sentence, may be filed at any time.

Defendant herein alleges that his sentence should be modified and/or corrected pursuant to the following facts.

Section 13 of Assembly Bill 236 NRS 176.145 subsection B states, Information concerning the characteristics of the defendant, the defendant's financial condition has been verified, the circumstances affecting the defendant's behavior and the circumstances of the defendant's offense may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant. Section 14, NRS, 176.153, subsection 1 states: except as otherwise provided in subsection 3, the division shall disclose to the prosecuting attorney, the Counsel for the defendant, and the court, not later than 14 days before the defendant will be sentenced, the factual content of the report of any pre sentence investigation made pursuant to NRS 176.135, Section 15; NRS 176.135 in the period provided, in 176.153 B) Any general investigation made pursuant to NRS 176.15]. The division shall afford the

## ADDITIONAL FACTS OF THE CASE:

1 opportunity, "to each party to object" to factual errors  
2 in any such report. The court may order the division  
3 to correct the contents of any such report following sentencing  
4 of the defendant if, within 180 days after the date on which  
5 the judgment of conviction was entered, the prosecuting attorney  
6 and the defendant stipulate to correcting the contents of  
7 any such report.

8 The sentence for Habitual Criminal NRS 207.010  
9 (A) NCC 53138 was illegal in that Probation Violations  
10 in Virginia were used as felony conviction(s) to adjudicate  
11 Mr. Crawley habitual felon, despite the situs of the crime.  
12 In Virginia does not match the situs in Nevada. A felony in  
13 the Commonwealth of Virginia does "not" constitute a felony  
14 for the same crime in the State of Nevada. Each of the  
15 above NRS statutes for AB 236 are in violation. The  
16 Supplemental PSI provided did not allow defendant Crawley  
17 to discuss matters with appointed Counsel Carl Arnold prior  
18 to April 1<sup>st</sup>, 2020 sentencing. Page 7 of Supplemental PSI  
19 dated March 24<sup>th</sup>, 2020 presented to defendant at  
20 April 1<sup>st</sup>, 2020 sentencing by District Attorney Stanton  
21 discloses this error within Both the PSI / PS P score sheet.

22 In paragraph 1 on page 7 of the Supplemental PSI  
23 states "The division attempted telephone contact with the  
24 defense attorney to determine what errors were of concern  
25 to the defendant; however "no" response was received. A  
26 Second Contact via email resulted only in a statement  
27 from "the defendant," with "no" specific information from

1 attorney. Mr. Crawley was "incarcerated" at CCDC at the  
2 time, and Mr. Arnold was not present at April 1<sup>st</sup>, 2020  
3 Sentencing. This only further discloses error in correcting  
4 PSI before April 1<sup>st</sup>, 2020 sentencing. The State of  
5 Virginia probation office was never contacted to establish  
6 that same felonies were used "multiple times" to adjudicate  
7 Mr. Crawley a habitual felon under NRS 207.010

8 The lack of contact with Attorney Arnold violated Amendment  
9 5, 6, and administrative matter of court operations of  
10 Criminal matters in response to COVID 19, Administrative  
11 Order 20-06 filed March 18<sup>th</sup> 2020. Mr. Arnold has failed  
12 to respond to errors within PSI regarding PSP score  
13 errors, NRS 176.145, NRS 213.10988, Blankenship V S.  
14 State, 2016. These matters were intended to be brought  
15 forth during evidentiary hearing regarding the withdrawal  
16 of guilty plea agreement, to no avail. Evidentiary hearing "not granted."

17 At this time, defendant Crawley has elected to file  
18 said motion to modify/correct illegal sentence on his  
19 own behalf, relieving Counsel of their duties since  
20 contact remains futile, and previous motion(s) and  
21 post conviction habeas Corpus have yet to be filed on  
22 defendants behalf in June 2020 through the present date in 2020.

23 Please take into consideration the facts herein  
24 that have not been addressed by counsel prior to  
25 Sentencing, the result being the 84-240 month  
26 sentence imposed. The defendant is asking that  
27 the court modify the records in question, review transcripts,

1 and modify the sentence, or allow new PSI to be  
2 conducted in reference to physical handicap/mental  
3 health issues that were "not" noted as areas of  
4 concern in PSP total score, as was intended by way  
5 of March 4<sup>th</sup>, 2020 Continuance, due to lack of contact  
6 with Attorney Arnold during COVID-19 pandemic.

7 Mr. Crawley would like to address his rehabilitation  
8 efforts under AB236 section 90, in which the  
9 director of the department of corrections Daniels must  
10 administer a risk and needs assessment to each  
11 person in the custody of the department of corrections  
12 to measure criminal risk factors and individual needs  
13 for the purpose of institutional programming.

14 Section 105 of this bill requires every law enforcement  
15 agency to 1) establish a policy and procedure for  
16 interacting with persons who suffer from a behavioral  
17 health issue.

18 2) subject to available funding, contract with  
19 or employ a behavioral health specialist.

20 The 184 to 240 month sentence imposed does not  
21 allow Mr. Crawley to participate in any rehabilitative  
22 programs within the Nevada Department of Corrections  
23 despite being sentenced to the "184 program" for case  
24 C342881. Please review case C341735 to  
25 allow participation in the "184 program" and/or  
26 any available behavioral program applicable.

27 It is noted that Mr. Crawley completed Substance Abuse Counseling  
28 while at CDC but does not qualify for any such program in NDOC.

1 The factors and areas of concern identified should  
2 not of resulted in a negative impact when formulating  
3 a sentencing recommendation. Instead a downward  
4 sentence deviation may of been appropriate according  
5 to PSP Scoring sheet from PNP dated March 24<sup>th</sup>, 2020.  
6 Section 54 of AB 236, NRS 202.3652 in  
7 relation to applying for permit to carry a concealed  
8 weapon; It does not list any specific method in  
9 which a person could apply for a permit to carry  
10 a razor knife, or multi purpose tool, only firearms and  
11 other deadly weapons. It is unclear how a razor  
12 knife that was considered a "tool" has now become  
13 a "deadly weapon". Instead of original charge of  
14 carry concealed weapon without permit (NRS 202.350).

15  
16 Your consideration of the above entitled motion  
17 is greatly appreciated, as your venerable  
18 determination is necessary to proceed with  
19 rehabilitation efforts within the Nevada  
20 Department of Corrections, at this time.

21  
22 Respectfully Submitted,

23 Daine A. Crawley # 1167447  
24 SDCC

25 P.O. Box 200  
26 Indian Springs, NV 89070  
27

Thereby, pursuant to the facts and the law stated herein,  
 Defendant, request that his sentence be modified/corrected as  
 follows: A sentence of 60-150 months under Category B habitual  
offender statute; or the recommended 18 to 60 month Category  
C sentence by PNP, if not adjudicated habitual offender. The errors  
within PSP Score would have protected this sentencing structure  
if new PSI interview would have been conducted, as was  
intended on March 4<sup>th</sup>, 2020 prior to COVID-19 and April  
1<sup>st</sup> 2020 Sentencing, and Amendment 6 violation(s). Also please note that  
approximately "260 days" were not accredited from August 2019-April 2020  
due to error within CDC and rebook delay of finger printing until February 2020

Dated; this 1<sup>st</sup> DAY OF December, 2020.

Dine C # 1167447  
Dine Crawley  
 Defendant/propria person

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding \_\_\_\_\_

Motion to Modify / correct illegal sentence  
(Title of Document)

filed in District Court Case number 2341735

☒ 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.

  
Signature

12/1/99  
Date

Deane Anten Crawley  
Print Name

Motion to Modify Sentence  
Title

**CERTIFICATE OF SERVICE BY MAILING**

I, Daire Crawley, hereby certify, pursuant to NRCP 5(b), that on this 1<sup>st</sup>  
day of December, 2020, I mailed a true and correct copy of the foregoing, "Modify / correct illegal Sentence"  
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

200 Lewis Avenue 3<sup>rd</sup> Floor  
Las Vegas, NV 89155

CC: FILE

DATED: this 1<sup>st</sup> day of December, 2020

Daire Crawley 1167447

/In Propria Personam  
Post Office box 650 [HDSP]  
Indian Springs, Nevada 89018  
**IN FORMA PAUPERIS**

1 Daine Anton Crawley # 1167447  
2 Defendant/ In Propria Personam  
3 Post Office Box 208, S.D.C.C.  
4 Indian Springs, Nevada 89018

5 IN THE 8th JUDICIAL DISTRICT COURT OF  
6 THE STATE OF NEVADA IN AND FOR THE  
7 COUNTY OF Clerk

8  
9 Plaintiff,  
10 vs.  
11  
12 Defendant.

Case No. C341735  
Dept No. VI  
Docket \_\_\_\_\_

13  
14 **MOTION FOR PRODUCTION OF DOCUMENTS,**  
15 **PAPERS, PLEADINGS AND TANGIBLE PROPERTY OF DEFENDANT**

16 Date of Hearing: \_\_\_\_\_

17 Time of Hearing: \_\_\_\_\_

18 "ORAL ARGUMENT REQUESTED, Yes X No \_\_\_\_"

19 COMES NOW, Defendant Daine Anton Crawley, proceeding in proper person,  
20 hereby moves this Honorable Court for its ORDER for the production of all documents, papers,  
21 pleadings and tangible property in the possession of: Transcripts for Case C341735,  
22 1st Post conviction Habeas Corpus documents, any and all motions to be filed.

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

26 DATED: this 1st day of December, 2020

27 RECEIVED

28 DEC - 8 2020

BY: Daine Crawley # 1167447  
Defendant/In Propria Personam

CLERK OF THE COURT

1 **POINTS AND AUTHORITIES**

2 The Nevada Revised Statute 7.055(1), which deals with the duty of a discharged attorney, states:

3 "An attorney who has been discharged by his client shall, upon demand and payment of the fee due from  
4 the client, immediately deliver to the client all papers, documents, pleadings and items of tangible property  
which belong to or were prepared for that client."

5 As can be seen in this case, the defendant does not owe any fees, in fact, they, meaning counsel(s)

6 of record, were appointed by the Court to represent the defendant, who was an indigent, in Case

7 Number, C341735 in Department No. VI.

8 N.R.S. 7.055(2) gives this Court the power to Order the Attorney(s) of record to produce and

9 deliver to the defendant in his/her possession, which states:

10 "A client who, after demand therefore and payment of the fee due from him, does not receive from his  
11 discharged attorney all papers, documents, pleadings and items of tangible personal property may, by  
12 a motion filed after at least 5 days' notice to the attorney, obtain an order for the production of his papers,  
Documents, pleadings and other property."

13 In numerous cases throughout this great land, the courts have held attorneys to a high degree of  
14 professional responsibility and integrity. This carried from the time of hiring to and through the  
15 attorney's termination of employment.

16 Supreme Court Rule 173 states quite clear that a withdrawn attorney owes his former client a

17 "... prompt accounting of all his client's. . . property in his possession." This is echoed in Canon 2 of

18 the Code of Professional Responsibility of the American Bar Association, which states in pertinent

19 part EC 2-32: "A lawyer should protect the welfare of his client by . . . delivering to the client all

20 papers and property to which the client is entitled." Again in Disciplinary Rule 2-110(A)(2) of the

21 ABA, this is brought out that a withdrawn attorney must deliver to the client all papers and comply with

22 applicable laws on the subject.

23 In the cases of In Re Yount, 93 Ariz. 322, 380 P.2d 780 (1963) and State v. Alvey, 215 Kan. 460,

24 324 P.2d 747 (1974), both of which dealt with a factual situation involving a withdrawn attorney

25 refusing to deliver to a former client his documents after being requested to do so by the client. The

26 court in Yount, supra, ordered the attorney disbarred while in Alvey, supra, the court had the attorney

27 censured.

1 While not the intention of the Defendant in this case to have the attorney disbarred, these cases do  
2 show a pattern in the court in considering the refusal to deliver to a former client all his documents  
3 and property after being requested to do so, a serious infraction of the law and of professional ethics.  
4 See, In Re Sullivan, 212 Kan. 233, 510 P.2d 1199 (1973).

5 In summary, this court has jurisdiction through NRS 7.055 to Order the attorney(s) to produce and  
6 deliver to the Defendant all documents and personal property in his/their possession belonging to him  
7 or prepared for him. The Defendant has fulfilled his obligations in trying to obtain the papers. The  
8 attorney(s) is in discord with Cannon 2 of the Code of Professional responsibility and the Nevada  
9 Supreme Court Rules 173, 176 and 203.

10  
11 DATED: this 1st day of December, 2020

12  
13 BY: Daine Crawley # 1167447  
14 #  
15 Defendant/In Propria Personam  
16  
17  
18  
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28

ITEMS TO BE PRODUCED

All transcripts for Case C341735, Habeas Corpus Documents, Body Cam footage, and all motions filed during the duration of case C341735. Guilty Plea Agreement transcripts, and proceedings for Justice Court arraignment in July 2019. Any, and all statements made by witnesses in relation to Amendment 6. Please forward all documents to Defendant Crawley pursuant to Rule T.40, if alternate counsel cannot be provided. Certified copies of sentencing memorandum used at April 1<sup>st</sup>, 2020 sentencing to adjudicate habitual criminal under NRS 207.010, NAC 33138 for all future post conviction relief purposes deemed appropriate.

Respectfully Submitted,

Daine A Crawley #1167447  
SBCC

P.O. Box 208  
Indian Springs, NV 89070

Daine Crawley #1167447  
Defendant/ In Propria Personam.  
Post Office Box 208, S.D.C.C.  
Indian Springs, Nevada 89018

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

State of Nevada  
Plaintiff, }

vs. #  
Daine Crawley #1167447 }  
Defendant. }

Case No. C341735  
Dept. No. VL  
Docket \_\_\_\_\_

ORDER

Upon reading the Motion of the Defendant, Daine Crawley  
requesting production of all documents, papers, pleadings and  
tangible property, and having determined that the movant has  
demonstrated Good Cause Appearing,

IT IS HEREBY ORDERED that Defendant's Attorney named Roger C.  
Bailey will produce Documents, Papers, Pleadings  
and Tangible Property is GRANTED.

IT IS HEREBY FURTHER ORDERED That the Clerk of the Court  
shall direct to the Attorney of Record Roger C. Bailey  
to prepare all Documents, Papers, Pleadings, and Tangible Property  
to the Defendant at the following address.

Daine A. Crawley SBCC P.O. Box 208 Indian Springs, NV  
89070

DATED and DONE This 1st Day of December, 2020.

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

**CERTIFICATE OF SERVICE BY MAILING**

I, Daine A. Crawley, hereby certify, pursuant to NRCP 5(b), that on this 1st  
day of December, 2020, I mailed a true and correct copy of the foregoing, "Motion for production of documents / transcripts"  
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the  
United State Mail addressed to the following:

200 Lewis Avenue 3<sup>rd</sup> floor  
Las Vegas, NV 89155

CC: FILE

DATED: this 1st day of December, 2020

Daine Crawley # 1167447

/In Propria Personam  
Post Office Box 208, S.D.C.C.  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS:

**AFFIRMATION**  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding \_\_\_\_\_

Motion to produce documents/transcripts  
(Title of Document)

filed in District Court Case number C341735

☒ 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.

  
Signature

12/1/20  
Date

Daine A. Crawley  
Print Name

Motion for Documents  
Title

Daine Crawley ID NO. 1167447

SOUTHERN DESERT CORRECTIONAL CTN.  
20825 COLD CREEK RD.  
P.O. BOX 208  
INDIAN SPRINGS, NV 89070

**FILED**

DEC 28 2020

*John L. Blum*  
CLERK OF COURT

Clerk County District Court

Eighth Judicial District

January 20, 2021  
10:15 AM

State of Nevada

v.

Daine Anton Crawley  
#1167447

CASE NO.: C341735

DEPT. NO.: VI

DOCKET: \_\_\_\_\_

Motion to Withdraw Counsel / Appoint new counsel to  
file June 2020 Habeas Corpus and Motion to Modify or  
Correct illegal sentence (Note Postconviction Habeas Corpus Supplement)

COMES NOW, Defendant Daine A. Crawley, herein above respectfully  
moves this Honorable Court for an Evidentiary Hearing to Appoint Alternate  
Counsel and/or allow Postconviction Habeas Corpus to be filed  
in addition to Motion to Modify Correct illegal sentence, enclosed

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

DATED: this 1<sup>st</sup> day of December, 2020

BY: Daine A. Crawley

SIX PO BOX 208 Indian Springs # 1167447  
Defendant In Proper Personam

RECEIVED

DEC - 8 2020

CLERK OF THE COURT

1 The Defendant Daine Anton Crawley, previously filed  
2 an ex parte motion to appoint counsel and request evidentiary  
3 hearing, that was granted on May 27<sup>th</sup>, 2020. An Attorney  
4 by the name of Roger Bailey was appointed at that time.  
5 After various attempts to contact Mr. Bailey at Roger  
6 Bailey Sgro and Roger C/o Roger C. Bailey 720 S.  
7 7<sup>th</sup> Street, 3rd Floor Las Vegas, NV 89101, to no  
8 avail. It was brought to Mr. Crawley's attention that  
9 Mr. Bailey is no longer affiliated with this law firm.

10 The Nevada State Bar provided Defendant Crawley  
11 with the new address at 1428 S. Jones Blvd  
12 Las Vegas, NV 89146. This location is the CEGA Law Group  
13 the same affiliation as Attorney Carl Arnold, ESQ. This  
14 is now a conflict of interest in that Carl Arnold represented  
15 Mr. Crawley during the original case and sentencing, at which  
16 time a violation of Amendment 6, and the violation of  
17 Administrative order 20-06 filed March 18<sup>th</sup>, 2020  
18 Administrative matter of court operations & criminal  
19 matters in response to COVID-19 occurred and is the  
20 basis for the Habeas Corpus and enclosed Motion to Modify  
21 Correct illegal sentence imposed on April 1<sup>st</sup>, 2020.

22 Please review this motion, and appoint alternate counsel  
23 other than the CEGA Law group to file motion and Habeas  
24 Corpus, or file the enclosed motion(s) pursuant to Rule 7.40  
25 (b)(2)(ii) If applicable.

26 Respectfully Submitted,  
27 Daine C. 1167447

## AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding ex parte

Motion Withdraw / appoint alternate Counsel  
(Title of Document)

filed in District Court Case number 0341735

☒ 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)

-05-

**B. For the administration of a public program or for an application for a federal or state grant.**

**Signature**

Date \_\_\_\_\_

Daine Anton Crawley  
Print Name

Print Name

Motion to withdraw counsel  
Title

### Title

**CERTIFICATE OF SERVICE BY MAILING**

I, Daine Anton Crawley, hereby certify, pursuant to NRCP 5(b), that on this 1st day of December, 2020, I mailed a true and correct copy of the foregoing, "

Motion to Withdraw Counsel appoint alternate."

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the United State Mail addressed to the following:

200 Lewis Avenue, 3rd Floor  
Las Vegas, NV 89155

CC:FILE

DATED: this 1st day of December, 2020

Daine Crawley # 1167447  
#  
/In Propria Personam  
Post Office Box 208, S.D.C.C.  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS:

1 Daine Crawley # 1167447

2 / In Propria Personam  
3 Post Office Box 650 [HDSP]  
4 Indian Springs, Nevada 89018

FILED

DEC 28 2020

Alfred J. Williams  
CLERK OF COURT

5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

January 20, 2021  
10:15 AM

7 State of Nevada

10 vs.

11 Daine Anton Crawley

# 1167447

Case No. C341735

Dept No. VI

Docket \_\_\_\_\_

14 NOTICE OF MOTION

15 YOU WILL PLEASE TAKE NOTICE, that Daine Anton Crawley

17 will come on for hearing before the above-entitled Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
18 at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M. In Department \_\_\_\_\_ of said Court.

20 CC:FILE

22 DATED: this 1<sup>st</sup> day of December, 2020

24 BY: Daine Anton Crawley # 1167447  
25 /In Propria Personam



**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

---

February 10, 2021

**Attorney:** Roger Bailey  
Sgro & Roger  
c/o Roger C Bailey  
720 S 7th St 3rd Fl  
Las Vegas NV 89101

**Case Number:** C-19-341735-1  
**Department:** Department 6

**Defendant:** Daine Anton Crawley

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

**Pleadings: Motion To Modify And/or Correct Illegal Sentence; Motion For Production  
Of Documents, Papers, Pleadings And Tangible Property Of Defendant/  
Order**

**Rule 3.70. Papers which May Not be Filed**

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,  
DC Criminal Desk # 19  
Deputy Clerk of the Court

Daine Crawley

Defendant/ In Propria Person  
Post Office Box ~~258~~ 298  
Indian Springs, Nevada 89010

IN THE 3<sup>rd</sup> JUDICIAL DISTRICT COURT OF THE STATE  
OF NEVADA IN AND FOR THE COUNTY OF Clark

The State of Nevada

Plaintiff,

VS

Daine Crawley # 1167447  
Defendant.

Case No. C341735

SDCC

Dept NO. VI

PO Box 208 Indian Springs, NV 89010

MOTION TO MODIFY AND/OR CORRECT  
ILLEGAL SENTENCE

Date of hearing :

Time of hearing :

COMES NOW, DEFENDENT, Daine Crawley, proceeding  
in proper person, hereby motion this Honorable Court  
pursuant to N.R.S 176.555 and Edwards v. state.

This motion is made in based upon all papers and pleadings  
on file, the points and authorities and exhibits attached  
here to.

Dated; this 1<sup>st</sup> day of December, 2020.

DEC - 8 2021

CLERK OF THE COURT

Daine Crawley  
DEFENDENT/ 1167447

RECEIVED

JAN 25 2021

CLERK OF THE COURT

### POINTS AND AUTHORITIES

"Motion to modify sentence" is limited in scope to sentences based on mistaken assumptions about defendant's criminal record which work to defendant's extreme detriment, while " Motion to correct illegal sentence " addresses only facial legality of sentence. State v. District Court, 100 nev. 90, 97, 677 p.2d 1044 1048 (1984), and Edwards v. State, 918 p.2d 321 (nev. 1996).

Further N.R.S 176.555 Motion to Modify and/or Correct a sentence, may be filed at any time.

Defendant herein alleges that his sentence should be modified and/or corrected pursuant to the following facts.

Section 13 of Assembly Bill 236 NRS 176.145 subsection B states, Information concerning the characteristics of the defendant, the defendant's financial condition has been verified, the circumstances affecting the defendant's behavior and the circumstances of the defendant's offense may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant. Section 14, NRS 176.153, subsection 1 states: except as otherwise provided in subsection 3, the division shall disclose to the prosecuting attorney, the Counsel for the defendant, and the court not later than 14 days before the defendant will be sentenced, the factual content of the report of any pre sentence investigation made pursuant to NRS 176.135, Section 15; NRS 176.135 in the period provided, in 176.153 B) Any general investigation made pursuant to NRS 176.15]. The division shall afford the

## ADDITIONAL FACTS OF THE CASE:

1 opportunity, "to each party to object" to factual errors  
 2 in any such report. The court may order the division  
 3 to correct the contents of any such report following sentencing  
 4 of the defendant it, within 180 days after the date on which  
 5 the judgment of conviction was entered, the prosecuting attorney  
 6 and the defendant stipulate to correcting the contents of  
 7 any such report.

8 The sentence for Habitual Criminal NRS 207.010  
 9 (A) NCC 53138 was illegal in that Probation Violations  
 10 in Virginia were used as felony conviction(s) to adjudicate  
 11 Mr. Crawley habitual felon, despite the situs of the crime.  
 12 In Virginia does not match the situs in Nevada. A felony in  
 13 the Commonwealth of Virginia does "not" constitute a felony  
 14 for the same crime in the State of Nevada. Each of the  
 15 above NRS' statutes for AB236 are in violation. The  
 16 Supplemental PSI provided did not allow defendant Crawley  
 17 to discuss matters with appointed Counsel Carl Arnold prior  
 18 to April 1<sup>st</sup>, 2020 sentencing. Page 7 of Supplemental PSI  
 19 dated March 24<sup>th</sup>, 2020 presented to defendant at  
 20 April 1<sup>st</sup>, 2020 sentencing by District Attorney Stanton  
 21 discloses this error within Both the PSI / PS P Score sheet.

22 In paragraph 1 on page 7 of the Supplemental PSI  
 23 states "The division attempted telephone contact with the  
 24 defense attorney to determine what errors were of concern  
 25 to the defendant; however "no" response was received. A  
 26 Second Contact via email resulted only in a statement  
 27 from "the defendant" with "no" specific information from

1 attorney. Mr. Crawley was "incarcerated" at CCDC at the  
2 time, and Mr. Arnold was not present at April 1<sup>st</sup>, 2020  
3 sentencing. This only further discloses error in correcting  
4 PSI before April 1<sup>st</sup>, 2020 sentencing. The State of  
5 Virginia probation office was never contacted to establish  
6 that same felonies were used "multiple times" to adjudicate  
7 Mr. Crawley a habitual felon under NRS 207.010  
8 The lack of contact with Attorney Arnold violated Amendment  
9 5, 6, and administrative matter of court operations of  
10 Criminal matters in response to COVID 19, Administrative  
11 Order 20-06 filed March 18<sup>th</sup>, 2020. Mr. Arnold has failed  
12 to respond to errors within PSI regarding PSP score  
13 errors, NRS 176.145, NRS 213.10988, Blankenship V.  
14 State, 2016. These matters were intended to be brought  
15 forth during evidentiary hearing regarding the withdrawal  
16 of guilty plea agreement, to no avail. Evidentiary hearing not granted.  
17 At this time, defendant Crawley has elected to file  
18 said motion to modify/correct illegal sentence on his  
19 own behalf, relieving Counsel of their duties since  
20 contact remains futile, and previous motion(s) and  
21 post conviction habeas Corpus have yet to be filed on  
22 defendants behalf in June 2020 through the present date in 2020.  
23 Please take into consideration the facts herein  
24 that have not been addressed by counsel prior to  
25 sentencing, the result being the 84-240 month  
26 sentence imposed. The defendant is asking that  
27 the court modify the records in question, review transcripts,

1 and modify the sentence, or allow new PSI to be  
2 Conducted in reference to physical handicap/mental  
3 health issues that were "not" noted as areas of  
4 concern in PSP total score, as was intended by way  
5 of March 4<sup>th</sup>, 2020 Continuance, due to lack of contact  
6 with Attorney Arnold during COVID-19 pandemic.

7 Mr. Crawley would like to address his rehabilitation  
8 efforts under AB236 section 90, in which the  
9 director of the department of corrections Daniel Smoot  
10 administer a risk and needs assessment to each  
11 person in the custody of the department of corrections  
12 to measure criminal risk factors and individual needs  
13 for the purpose of institutional programming.

14 Section 105 of this bill requires every law enforcement  
15 agency to 1) establish a policy and procedure for  
16 interacting with persons who suffer from a behavioral  
17 health issue.

18 2) subject to available funding, contract with  
19 or employ a behavioral health specialist.

20 The 184 to 240 month sentence imposed does not  
21 allow Mr. Crawley to participate in any rehabilitative  
22 programs within the Nevada Department of Corrections  
23 despite being sentenced to the "184 program" for case  
24 C342881. Please review case C341735 to  
25 allow participation in the "184 program" and/or  
26 any available behavioral program applicable.

27 It is noted that Mr. Crawley completed Substance Abuse Counseling  
while at CCDC but does not qualify for any such program in NDOC.

1 The factors and areas of concern identified should  
2 not of resulted in a negative impact when formulating  
3 a sentencing recommendation. Instead a downward  
4 sentence deviation may of been appropriate according  
5 to PSP Scoring sheet from PNP dated March 24<sup>th</sup>, 2020.

6 Section 54 of AB 236, NRS 202.3652 in  
7 relation to applying for permit to carry a concealed  
8 weapon, It does not list any specific method in  
9 which a person could apply for a permit to carry  
10 a razor knife, or multi purpose tool, only firearms and  
11 other deadly weapons. It is unclear how a razor  
12 knife that was considered a "tool" has now become  
13 a "deadly weapon". Instead of original charge of  
14 Carry Concealed Weapon without permit (NRS 202.350).

15  
16 Your consideration of the above entitled motion  
17 is greatly appreciated as your venerable  
18 determination is necessary to proceed with  
19 rehabilitation efforts within the Nevada  
20 Department of Corrections, at this time.

21  
22 Respectfully Submitted,

23 Daine A. Crawley # 1167447  
24 SDCC

25 P.O BOX 200

26 Indian Springs, NV 89070  
27

Whereby, pursuant to the facts and the law stated herein,  
Defendant, request that his sentence be modified/corrected as

follows: A sentence of 60-150 months under Category B habitual offender statute; or the recommended 18 to 60 month Category C sentence by PNP, if not adjudicated habitual offender. The errors within PSP Score would have protected this sentencing structure if new PSI interview would have been conducted, as was intended on March 4<sup>th</sup>, 2020 prior to COVID-19 and April 1<sup>st</sup> 2020 Sentencing, and Amendment (6 violation(s)). Also please note that approximately "260 days" were not accrued from August 2019-April 2020 due to error within CDC and PNP delay of finger printing until February 2020

Dated: this 1<sup>st</sup> DAY OF December, 2020.

Drine C # 1167447  
Drine Crawley  
Defendant/propria person

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding \_\_\_\_\_

Motion to Modify / correct illegal sentence  
(Title of Document)

filed in District Court Case number 0341735

☒ 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.

Daine C  
Signature

12/1/99  
Date

Daine Anton Crawley  
Print Name

Motion to Modify Sentence  
Title

**CERTIFICATE OF SERVICE BY MAILING**

I, Dariae Crawley, hereby certify, pursuant to NRCP 5(b), that on this 1<sup>st</sup>  
day of December, 2020 I mailed a true and correct copy of the foregoing, "Modify / correct illegal sentence"  
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

200 Lewis Avenue, 3<sup>rd</sup> Floor  
Las Vegas, NV 89155

CC: FILE

DATED: this 1<sup>st</sup> day of December, 2020.

Dariae Crawley 1167447

/In Propria Personam  
Post Office box 650 [HDSP]  
Indian Springs, Nevada 89018  
**IN FORMA PAUPERIS:**

1 Daine Anton Crawley # 1167447

2 Defendant/ In Propria Personam  
3 Post Office Box 208, S.D.C.C.  
4 Indian Springs, Nevada 89018

5 IN THE 8th JUDICIAL DISTRICT COURT OF  
6 THE STATE OF NEVADA IN AND FOR THE  
7 COUNTY OF Clerk

8  
9 Plaintiff,

10 vs.

11  
12 Defendant.

Case No. C341735

Dept No. VI

Docket \_\_\_\_\_

13  
14 **MOTION FOR PRODUCTION OF DOCUMENTS,**  
15 **PAPERS, PLEADINGS AND TANGIBLE PROPERTY OF DEFENDANT**

16 Date of Hearing: \_\_\_\_\_

17 Time of Hearing: \_\_\_\_\_

18 "ORAL ARGUMENT REQUESTED, Yes X No \_\_\_\_"

19 COMES NOW, Defendant Daine Anton Crawley, proceeding in proper person,

20 hereby moves this Honorable Court for its ORDER for the production of all documents, papers,

21 pleadings and tangible property in the possession of: Transcripts for Case C341735,

22 1st Post conviction Habeas Corpus documents, any and all motions to be filed.

23 This Motion is made and based upon all papers and pleadings on file with the Clerk of the Court

24 which are hereby incorporated by this reference, the Points and Authorities herein, and attached

25 Affidavit of Defendant.

26 DATED: this 1st day of December, 2020

27 RECEIVED

BY: Daine Crawley # 1167447

28 DEC - 8 2020

Defendant/In Propria Personam

CLERK OF THE COURT

1 POINTS AND AUTHORITIES

2 The Nevada Revised Statute 7.055(1), which deals with the duty of a discharged attorney, states:

3 "An attorney who has been discharged by his client shall, upon demand and payment of the fee due from  
4 the client, immediately deliver to the client all papers, documents, pleadings and items of tangible property  
which belong to or were prepared for that client."

5 As can be seen in this case, the defendant does not owe any fees, in fact, they, meaning counsel(s)  
6 of record, were appointed by the Court to represent the defendant, who was an indigent, in Case  
7 Number, (341735) in Department No. VI.

8 N.R.S. 7.055(2) gives this Court the power to Order the Attorney(s) of record to produce and  
9 deliver to the defendant in his/her possession, which states:

10 "A client who, after demand therefore and payment of the fee due from him, does not receive from his  
11 discharged attorney all papers, documents, pleadings and items of tangible personal property may, by  
12 a motion filed after at least 5 days' notice to the attorney, obtain an order for the production of his papers,  
Documents, pleadings and other property."

13 In numerous cases throughout this great land, the courts have held attorneys to a high degree of  
14 professional responsibility and integrity. This carried from the time of hiring to and through the  
15 attorney's termination of employment.

16 Supreme Court Rule 173 states quite clear that a withdrawn attorney owes his former client a  
17 . . . prompt accounting of all his client's . . . property in his possession." This is echoed in Canon 2 of  
18 the Code of Professional Responsibility of the American Bar Association, which states in pertinent  
19 part EC 2-32: "A lawyer should protect the welfare of his client by . . . delivering to the client all  
20 papers and property to which the client is entitled." Again in Disciplinary Rule 2-110(A)(2) of the  
21 ABA, this is brought out that a withdrawn attorney must deliver to the client all papers and comply with  
22 applicable laws on the subject.

23 In the cases of In Re Yount, 93 Ariz. 322, 380 P.2d 780 (1963) and State v. Alvey, 215 Kan. 460,  
24 324 P.2d 747 (1974), both of which dealt with a factual situation involving a withdrawn attorney  
25 refusing to deliver to a former client his documents after being requested to do so by the client. The  
26 court in Yount, supra, ordered the attorney disbarred while in Alvey, supra, the court had the attorney  
27 censured.

1 While not the intention of the Defendant in this case to have the attorney disbarred, these cases do  
2 show a pattern in the court in considering the refusal to deliver to a former client all his documents  
3 and properly after being requested to do so, a serious infraction of the law and of professional ethics.  
4 See, In Re Sullivan, 212 Kan. 233, 510 P.2d 1199 (1973).

5 In summary, this court has jurisdiction through NRS 7.053 to Order the attorney(s) to produce and  
6 deliver to the Defendant all documents and personal property in his/their possession belonging to him  
7 or prepared for him. The Defendant has fulfilled his obligations in trying to obtain the papers. The  
8 attorney(s) is in discord with Canon 2 of the Code of Professional responsibility and the Nevada  
9 Supreme Court Rules 173, 176 and 203.

10  
11 DATED: this 1st day of December, 2020

12  
13 BY: Daine Crawley # 1167447  
14 Defendant/In Propria Personam  
15  
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28

ITEMS TO BE PRODUCED

All transcripts for Case C341735, Habers Corpus Documents, Body Cam footage, and all motions filed during the duration of case C341735. Guilty Plea Agreement transcripts, and proceedings for Justice Court arraignment in July 2019. Any, and all statements made by witnesses in relation to Amendment 6. Please forward all documents to Defendant Crawley Pursuant to Rule T.40, if alternate Counsel cannot be provided. Certified copies of sentencing memorandum used at April 1<sup>st</sup>, 2020 sentencing to adjudicate habitual criminal under NRS 207.010, NAC 33138 for all future post conviction relief purposes deemed appropriate.

Respectfully Submitted,

Daine A Crawley #1167447

SBCC

P.O. Box 208

Indian Springs, NV 89070

**CERTIFICATE OF SERVICE BY MAILING**

I, Daine A. Crawley, hereby certify, pursuant to NRCP 5(b), that on this 1<sup>st</sup>  
day of December, 2020, I mailed a true and correct copy of the foregoing, "Motion for production of documents / transcripts"  
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the  
United State Mail addressed to the following:

200 Lewis Avenue 3<sup>rd</sup> floor  
Las Vegas, NV 89155

CC: FILE

DATED: this 1<sup>st</sup> day of December, 2020

Daine Crawley # 1167447

/In Propria Personam  
Post Office Box 208, S.D.C.C.  
Indian Springs, Nevada 89018  
**IN FORMA PAUPERIS:**

**AFFIRMATION**  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding \_\_\_\_\_

Motion to produce documents/transcripts  
(Title of Document)

filed in District Court Case number C341735

☒ 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.

  
Signature

12/1/20  
Date

Daine A. Crawley  
Print Name

Motion for Documents  
Title

Case No. C341735

Dept. No. VI

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

The State of Nevada  
Plaintiff,

vs.

Daine Crowley  
Defendant,

Case No. C341735

Dept No. VI

Docket C341735

**NOTICE OF MOTION**

YOU WILL PLEASE TAKE NOTICE, that MOTION TO MODIFY AND/OR  
CORRECT ILLEGAL SENTENCE

will come on for hearing before the above-entitled Court on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
at the hour of \_\_\_\_ o'clock \_\_\_\_ M. In Department \_\_\_\_ of said Court.

CC:FILE

DATED: this 1st day of December, 2020

BY: Daine Crowley 1167487  
#  
/In Propria Personam

Daine Crowley #1167447  
Defendant/ In Propria Personam.  
Post Office Box 208, S.D.C.C.  
Indian Springs, Nevada 89018

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

State of Nevada  
Plaintiff, }

vs. #  
Daine Crowley #1167447  
Defendant. }

Case No. C341735  
Dept. No. VL  
Docket \_\_\_\_\_

ORDER

Upon reading the Motion of the Defendant, Daine Crowley  
requesting production of all documents, papers, pleadings and  
tangible property, and having determined that the movant has  
demonstrated Good Cause Appearing,

IT IS HEREBY ORDERED that Defendant's Attorney named Roger C. Bailey  
will produce Documents, Papers, Pleadings  
and Tangible Property is GRANTED.

IT IS HEREBY FURTHER ORDERED That the Clerk of the Court  
shall direct to the Attorney of Record Roger C. Bailey  
to prepare all Documents, Papers, Pleadings, and Tangible Property  
to the Defendant at the following address.

Daine A. Crowley SDCC P.O. Box 208 Indian Springs, NV  
89070

DATED and DONE This 1st Day of December, 2020.

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

Hasler

PC PKG RTL

01/21/2021

US POSTAGE \$003.80<sup>9</sup>



ZIP 89101  
011E12650516

2738 24906  
NON MACHINABLE MAIL  
PLEASE HAND CANCEL

Clerk of District Court  
200 Lewis Avenue, 3rd Floor.  
Las Vegas, NV 89155

OUTGOING MAIL  
JAN 21 2021  
SOUTHERN DESERT  
CORRECTIONAL CENTER

"LEFT MAIL"

Daine Crawley #1167447  
SDCC  
PO Box 208  
Indian Springs, NV 89070

RECEIVED  
JAN 25 2021  
CLERK OF THE COURT

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAINE ANTON CRAWLEY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

Supreme Court No. 81011  
District Court Case No. C341735

**FILED**

APR 14 2021

*Elizabeth A. Brown*  
CLERK OF COURT

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

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

JUDGMENT

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

"ORDER the judgment of conviction AFFIRMED."

Judgment, as quoted above, entered this 19 day of March, 2021.

IN WITNESS WHEREOF, I have subscribed  
my name and affixed the seal of the Supreme  
Court at my Office in Carson City, Nevada this  
April 13, 2021.

Elizabeth A. Brown, Supreme Court Clerk

By: Kaitlin Meetze  
Administrative Assistant

C-19-341735-1  
CCJA  
NV Supreme Court Clerks Certificate/Judgm  
4951107



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAINE ANTON CRAWLEY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 81011-COA

**FILED**

MAR 19 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Daine Anton Crawley appeals from a judgment of conviction entered pursuant to a guilty plea of carrying a concealed firearm or other deadly weapon. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.


Crawley argues the district court erred by denying his presentence motion to withdraw his guilty plea. A defendant may move to withdraw a guilty plea before sentencing, NRS 176.165, and "a district court may grant a defendant's motion to withdraw his guilty plea before sentencing for any reason where permitting withdrawal would be fair and just." *Stevenson v. State*, 131 Nev. 598, 604, 354 P.3d 1277, 1281 (2015). In considering the motion, "the district court must consider the totality of the circumstances to determine whether permitting withdrawal of a guilty plea before sentencing would be fair and just." *Id.* at 603, 354 P.3d at 1281. The district court's ruling on a presentence motion to withdraw a guilty plea "is discretionary and will not be reversed unless there has been a clear abuse of discretion." *State v. Second Judicial Dist. Court (Bernardelli)*, 85 Nev. 381, 385, 455 P.2d 923, 926 (1969).

Crawley claimed he should be allowed to withdraw his plea because he did not receive the benefit of his plea bargain. He was not immediately released on his own recognizance following the entry of his guilty plea, which resulted in his losing his spot in an inpatient drug treatment program. Crawley does not provide this court with transcripts of his plea canvass or the hearing on his motion to withdraw plea. These documents are necessary for this court's review of his claim. Therefore, we cannot conclude the district court abused its discretion by denying Crawley's presentence motion to withdraw his guilty plea. *See McConnell v. State*, 125 Nev. 243, 256 n.13, 212 P.3d 307, 316 n.13 (2009) ("The burden is on the appellant to provide this court with an adequate record enabling this court to review assignments of error."); *see also* NRAP 30(b)(3). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Jacqueline M. Bluth, District Judge  
Law Offices of Carl E.G. Arnold  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

DAINE ANTON CRAWLEY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 81011**  
District Court Case No. C341735

**REMITTITUR**

TO: Steven D. Grierson, Eighth District Court Clerk

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

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

DATE: April 13, 2021

Elizabeth A. Brown, Clerk of Court

By: Kaitlin Meetze  
Administrative Assistant

cc (without enclosures):

Hon. Jacqueline M. Bluth, District Judge  
Clark County District Attorney  
Law Offices of Carl E.G. Arnold \ Carl E. G. Arnold

**RECEIPT FOR REMITTITUR**

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on APR 14 2021.

HEATHER UNGERMANN

Deputy District Court Clerk

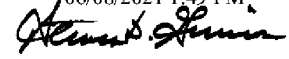
RECEIVED  
APPEALS

APR 14 2021

1

21-10590

CLERK OF THE COURT

  
CLERK OF THE COURT

1 **ORDR**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 SHANON CLOWERS  
6 Chief Deputy District Attorney  
7 Nevada Bar #010008  
8 200 Lewis Avenue  
9 Las Vegas, NV 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,  
11 Plaintiff,

12 -vs-

13 DAINE ANTON CRAWLEY,  
14 #7031173

15 Defendant.

CASE NO: C-19-3417351

DEPT NO: VI

16 **ORDER DENYING DEFENDANT'S MOTION TO WITHDRAW COUNSEL AND**  
17 **APPOINT NEW COUNSEL**

18 DATE OF HEARING: January 19, 2021  
19 TIME OF HEARING: 3:00 A.M.

20 THIS MATTER having come on for hearing before the above-entitled Court on the  
21 19th day of January, 2021, the Defendant not being present, IN PROPER PERSON, the  
22 Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through SHANON  
23 CLOWERS, Chief Deputy District Attorney, without argument, based on the pleadings and  
24 good cause appearing therefor,

25 ///

26 ///

27 ///

28 ///

1 IT IS HEREBY ORDERED that the Defendant's Motion to Withdraw Counsel and  
2 Appoint New Counsel, shall be, and it is DENIED. Defendant requests to remove Roger  
3 Bailey, Esq., as appellate counsel and to appoint new counsel to assist with the filing of post-  
4 conviction habeas relief and a motion to modify and/or correct illegal sentence. However, Mr.  
5 Bailey is not Mr. Crawley's counsel. Carl Arnold, Esq., was appointed as appellate counsel  
6 on May 11, 2020. As such, the appointment of Mr. Arnold as appellate counsel still stands.

7 ~~DATED this \_\_\_\_\_ day of June, 2021.~~

Dated this 8th day of June, 2021

8  
9   
DISTRICT JUDGE

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

4A8 F5D 0AAB 50D3  
Jacqueline M. Bluth  
District Court Judge

kj

12  
13 BY /s/ Shanon Clowers  
14 SHANON CLOWERS  
15 Chief Deputy District Attorney  
16 Nevada Bar #010008  
17  
18  
19  
20  
21  
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28 mah/L3

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 State of Nevada

CASE NO: C-19-341735-1

7 vs

DEPT. NO. Department 6

8 Daine Crawley  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

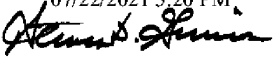
14 Service Date: 6/8/2021

15 LAW CLERK

Dept06lc@clarkcountycourts.us

16 Carl Arnold

lvcegal@yahoo.com  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

  
CLERK OF THE COURT

1 **FCL**  
2 **STEVEN B. WOLFSON**  
3 **Clark County District Attorney**  
4 **Nevada Bar #001565**  
5 **KAREN MISHLER**  
6 **Chief Deputy District Attorney**  
7 **Nevada Bar #13730**  
8 **200 Lewis Avenue**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 671-2500**  
11 **Attorney for Plaintiff**

DISTRICT COURT  
CLARK COUNTY, NEVADA

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

11 **-vs-**

12 **DAINE CRAWLEY,**  
13 **#7031173**

14 **Defendant.**

CASE NO: A-20-816041-W

C-19-341735-1

DEPT NO: VI

15 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

16 **DATE OF HEARING: MAY 25, 2021**  
17 **TIME OF HEARING: 3:00 PM**

18 **THIS CAUSE** having come on for hearing before the Honorable JACQUELINE  
19 **BLUTH**, District Judge, on the 25th day of May 2021, the Defendant not present, the  
20 Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney,  
21 not present, and the Court having considered the matter, including briefs, transcripts, and  
22 documents on file herein, now therefore, the Court makes the following findings of fact and  
23 conclusions of law:

24 //

25 //

26 //

27 //

28 //

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

2 **STATEMENT OF THE CASE**

3 On July 12, 2019, Daine Crawley (hereinafter ("Crawley" and/or "Defendant") was  
4 charged by way of Information for having committed the crime of Carrying Concealed Firearm  
5 or Other Deadly Weapon (Category C Felony- NRS 202.350 (1)(d)(3)- NOC 51459).

6 On July 15, 2019, Crawley entered a plea of guilty to the crime as listed in the  
7 Information at Initial Arraignment. The Guilty Plea Agreement ("GPA") was filed the same  
8 day in open court.

9 On October 28, 2019, Crawley filed a Motion to Dismiss Counsel and Appoint  
10 Alternate Counsel. On November 13, 2019, defense counsel moved for the withdrawal of the  
11 GPA and advised there was incorrect information in the Presentence Investigation Report  
12 ("PSI") and that another evaluation has to be done. The Court ordered Carl Arnold, Esq., to  
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15 On January 31, 2020, Crawley filed a Motion to Withdraw Plea. The State filed its  
16 Opposition on February 14, 2020. On February 19, 2020, the District Court heard oral  
17 arguments on the motion. The Court concluded that there was an insufficient basis to withdraw  
18 the plea and denied the motion.

19 On March 4, 2020, Crawley's sentencing hearing took place. At the hearing, the State  
20 argued in support of Habitual Treatment since he violated his agreement. Defense counsel  
21 provided that there were errors within Crawley's PSI. The Court ordered that the sentencing  
22 proceedings be continued to correct the PSI. On April 1, 2020, Crawley was sentenced  
23 pursuant to the Small Habitual Criminal Statute. Crawley was sentenced to a minimum of  
24 eighty-four (84) months and a maximum of two hundred-forty (240) months in the Nevada  
25 Department of Corrections (NDC). Defendant stated he had two hundred sixty-one (261) days  
26 credit. The District Court ordered sixty-seven (67) days credit for time served.

27 //

28 //

1 On April 6, 2020, Crawley filed a Notice of Appeal. The Judgment of Conviction  
2 (“JOC”) was filed on April 7, 2020. Crawley’s Case Appeal Statement was filed on April 13,  
3 2020. On May 11, 2020, Carl Arnold, Esq. was appointed as appellate counsel.

4 On June 4, 2020, and June 12, 2020, Crawley filed Petitions for Writ of Habeas Corpus  
5 (Post-Conviction). The State responded to both Petitions filed by Crawley on July 21, 2020.  
6 On August 26, 2020, appointed Carl Arnold as counsel.

7 On March 18, 2021, Crawley filed the instant pro-per Supplement Petition for Writ of  
8 Habeas Corpus (Post-Conviction) (“Supplement Petition”). The State filed its Response on  
9 May 6, 2021. This Court denied the Supplement Petition on May 25, 2021.

#### 10 **STATEMENT OF THE FACTS**

11 This Court relied on the following factual summary in sentencing Defendant:

12 On June 12, 2019, officers were dispatched to a location  
13 between the Excalibur and the Luxor in reference to a person  
14 threatening pedestrians with a knife. Upon arrival, contact was  
15 made with a witness who stated he was walking with his friend  
16 through the hotel parking lot when they were approached by a  
17 male, later identified as defendant Daine Anton Crawley, who got  
18 in his face and made unintelligible comments while retrieving a  
19 knife from his backpack. The witness felt threatened by the  
20 defendant who held the knife in his hand with the blade exposed.  
21 He stepped away from the defendant who then approached a  
22 vehicle with three occupants and attempted to open the door  
23 before the car drove away. As the defendant walked to another  
24 vehicle and hit the window, the witness notified police and  
25 security.

26 Officers also spoke to witness’ friend who relayed the same  
27 events as described by the witness. While the defendant was being  
28 detained, he stated that he did not have a knife; however, officers  
located a knife in his pocket.

Based on the above facts, Mr. Crawley was arrested,  
transported to the Clark County Detention Center, and booked  
accordingly.

26 Presentence Investigation Report (“PSI”), August 27, 2019, at 7-8.

27 //

28 //

1 **AUTHORITY**

2 **I. DEFENDANT'S CLAIMS ARE PROCEDURALLY BARRED**

3 NRS 34.810(1) reads:

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

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

9 (b) The petitioner's conviction was the result of a trial and the  
10 grounds for the petition could have been:

11 (2) Raised in a direct appeal or a prior petition for a writ of habeas  
12 corpus or postconviction relief.

13 The Nevada Supreme Court has held that "challenges to the validity of a guilty plea and claims  
14 of ineffective assistance of trial and appellate counsel must first be pursued in post-conviction  
15 proceedings.... [A]ll other claims that are appropriate for a direct appeal must be pursued on  
16 direct appeal, or they will be *considered waived in subsequent proceedings*." Franklin v. State,  
17 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added) (disapproved on other  
18 grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999)). "A court must dismiss a  
19 habeas petition if it presents claims that either were or could have been presented in an earlier  
20 proceeding, unless the court finds both cause for failing to present the claims earlier or for  
21 raising them again and actual prejudice to the petitioner." Evans v. State, 117 Nev. 609, 646-  
22 47, 29 P.3d 498, 523 (2001).

23 Under NRS 34.810,

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

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

...

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

(emphasis added). Further, substantive claims are beyond the scope of habeas and waived.

NRS 34.724(2)(a); Evans v. State, 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001); Franklin

1 v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994), disapproved on other grounds,  
2 Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999).

3 A defendant may only escape these procedural bars if they meet the burden of  
4 establishing good cause and prejudice:

5 3. Pursuant to subsections 1 and 2, the petitioner has the burden of  
6 pleading and proving specific facts that demonstrate:

7 (a) Good cause for the petitioner's failure to present the claim or  
8 for presenting the claim again; and

(b) Actual prejudice to the petitioner.

9 NRS 34.810(3). Where a defendant does not show good cause for failure to raise claims of  
10 error upon direct appeal, the district court is not obliged to consider them in post-conviction  
11 proceedings. Jones v. State, 91 Nev. 416, 536 P.2d 1025 (1975).

12 Here, the grounds Defendant raises in his Supplement Petition are proper only for a  
13 direct appeal, and thereby, waived. Specifically, Defendant presents four (4) grounds to this  
14 Court: (1) Equal Protection/Due Process violation; (2) errors within Defendant's PSI; (3)  
15 violation of the Court's Administrative Order; and (4) error in adjudication as a habitual  
16 criminal. Supplement Petition, 6-12. Defendant does not challenge the validity of a guilty plea  
17 and/or raise claims of ineffective assistance of counsel. See generally, Id. Indeed, the issues  
18 Defendant does raise in this Supplement Petition are improperly brought before this Court. As  
19 such, these substantive claims proper for only direct appeal are barred in this Petition.

20 Even still Defendant does not attempt to demonstrate good cause or prejudice for  
21 raising these claims for the first time in the instant proceedings. See Supplement Petition.  
22 Thus, such claims are denied.

## 23 **II. DEFENDANT'S SUPPLEMENTAL PETITION IS A FUGITIVE** 24 **DOCUMENT**

25 Defendant's instant pro per Supplement Petition should be dismissed as a fugitive  
26 document. EJDRC 7.40(a) states:

27 When a party has appeared by counsel, the party cannot thereafter  
28 appear on the party's own behalf in the case without the consent  
of the court. Counsel who has appeared for any party must

1 represent that party in the case and shall be recognized by the court  
2 and by all parties as having control of the case. The court in its  
3 discretion may hear a party in open court although the party is  
represented by counsel.

4 Carl Arnold, Esq., was confirmed as counsel on August 26, 2020. The instant  
5 Supplement Petition was filed seven months later on March 18, 2021. Because Defendant  
6 cannot appear on his own behalf after he had already appeared by counsel, the current  
7 Supplement Petition is dismissed as a fugitive document.

8 **ORDER**

9 THEREFORE, IT IS HEREBY ORDERED that Defendant's Supplemental Petition for  
10 Writ of Habeas Corpus (Post-Conviction) shall be, and it is, hereby denied.

11 ~~DATED~~ this \_\_\_\_ day of June, 2021.

Dated this 22nd day of July, 2021

12   
13 DISTRICT JUDGE

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

B2B 83A 2614 D93C  
Jacqueline M. Bluth  
District Court Judge

kj  
MT

16 BY   
17 KAREN MISHLER  
18 Chief Deputy District Attorney  
Nevada Bar #13730

19  
20 **CERTIFICATE OF MAILING**

21 I hereby certify that service of the above and foregoing was made this 24th day of June,  
22 2021, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

23 DAINE CRAWLEY #1167447  
24 HIGH DESERT STATE PRISON  
25 PO BOX 650  
INDIAN SPRINGS, NV, 89070

26 BY   
27 Secretary for the District Attorney's Office

28 KM/mah/L3

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Daine Crawley, Plaintiff(s)

CASE NO: A-20-816041-W

7 vs.

DEPT. NO. Department 6

8 Warden Williams, HDSP,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 7/22/2021

16 Steven Wolfson

motions@clarkcountyda.com



1 NEO

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA

4  
5 DAINE CRAWLEY,

6 Petitioner,

Case No: C-19-341735-1

Dept No: VI

7 vs.

8 THE STATE OF NEVADA,

9 Respondent,

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

11 PLEASE TAKE NOTICE that on July 22, 2021, the court entered a decision or order in this matter, a true  
12 and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you  
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed  
to you. This notice was mailed on July 26, 2021.

15 STEVEN D. GRIERSON, CLERK OF THE COURT

16 /s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

17  
18  
19 CERTIFICATE OF E-SERVICE / MAILING

20 I hereby certify that on this 26 day of July 2021, I served a copy of this Notice of Entry on the following:

21 ☒ By e-mail:

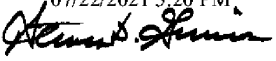
22 Clark County District Attorney's Office  
23 Attorney General's Office – Appellate Division-  
Public Defender's Office

24 ☒ The United States mail addressed as follows:

25 Daine Crawley # 1167447 Carl E. Arnold, Esq.  
P.O. Box 7007 1428 S. Jones Blvd  
26 Carson City, NV 89702 Las Vegas, NV 89146

27 /s/ Amanda Hampton

28 Amanda Hampton, Deputy Clerk

  
CLERK OF THE COURT

1 **FCL**  
2 **STEVEN B. WOLFSON**  
3 **Clark County District Attorney**  
4 **Nevada Bar #001565**  
5 **KAREN MISHLER**  
6 **Chief Deputy District Attorney**  
7 **Nevada Bar #13730**  
8 **200 Lewis Avenue**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 671-2500**  
11 **Attorney for Plaintiff**

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 **THE STATE OF NEVADA,**

10 **Plaintiff,**

11 **-vs-**

12 **DAINE CRAWLEY,**  
13 **#7031173**

14 **Defendant.**

CASE NO: A-20-816041-W

C-19-341735-1

DEPT NO: VI

15 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

16 **DATE OF HEARING: MAY 25, 2021**  
17 **TIME OF HEARING: 3:00 PM**

18 **THIS CAUSE** having come on for hearing before the Honorable JACQUELINE  
19 **BLUTH**, District Judge, on the 25th day of May 2021, the Defendant not present, the  
20 Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney,  
21 not present, and the Court having considered the matter, including briefs, transcripts, and  
22 documents on file herein, now therefore, the Court makes the following findings of fact and  
23 conclusions of law:

24 //

25 //

26 //

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28 //

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

2 **STATEMENT OF THE CASE**

3 On July 12, 2019, Daine Crawley (hereinafter ("Crawley" and/or "Defendant") was  
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21 He stepped away from the defendant who then approached a  
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28 detained, he stated that he did not have a knife; however, officers  
located a knife in his pocket.

Based on the above facts, Mr. Crawley was arrested,  
transported to the Clark County Detention Center, and booked  
accordingly.

Presentence Investigation Report (“PSI”). August 27, 2019, at 7-8.

//

//

1 **AUTHORITY**

2 **I. DEFENDANT'S CLAIMS ARE PROCEDURALLY BARRED**

3 NRS 34.810(1) reads:

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

5 (a) The petitioner's conviction was upon a plea of guilty or guilty  
6 but mentally ill and the petition is not based upon an allegation  
7 that the plea was involuntarily or unknowingly or that the plea was  
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...

unless the court finds both cause for the failure to present the  
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(emphasis added). Further, substantive claims are beyond the scope of habeas and waived.

NRS 34.724(2)(a); Evans v. State, 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001); Franklin

1 v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994), disapproved on other grounds,  
2 Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999).

3 A defendant may only escape these procedural bars if they meet the burden of  
4 establishing good cause and prejudice:

5 3. Pursuant to subsections 1 and 2, the petitioner has the burden of  
6 pleading and proving specific facts that demonstrate:

7 (a) Good cause for the petitioner's failure to present the claim or  
8 for presenting the claim again; and

(b) Actual prejudice to the petitioner.

9 NRS 34.810(3). Where a defendant does not show good cause for failure to raise claims of  
10 error upon direct appeal, the district court is not obliged to consider them in post-conviction  
11 proceedings. Jones v. State, 91 Nev. 416, 536 P.2d 1025 (1975).

12 Here, the grounds Defendant raises in his Supplement Petition are proper only for a  
13 direct appeal, and thereby, waived. Specifically, Defendant presents four (4) grounds to this  
14 Court: (1) Equal Protection/Due Process violation; (2) errors within Defendant's PSI; (3)  
15 violation of the Court's Administrative Order; and (4) error in adjudication as a habitual  
16 criminal. Supplement Petition, 6-12. Defendant does not challenge the validity of a guilty plea  
17 and/or raise claims of ineffective assistance of counsel. See generally, Id. Indeed, the issues  
18 Defendant does raise in this Supplement Petition are improperly brought before this Court. As  
19 such, these substantive claims proper for only direct appeal are barred in this Petition.

20 Even still Defendant does not attempt to demonstrate good cause or prejudice for  
21 raising these claims for the first time in the instant proceedings. See Supplement Petition.  
22 Thus, such claims are denied.

## 23 **II. DEFENDANT'S SUPPLEMENTAL PETITION IS A FUGITIVE** 24 **DOCUMENT**

25 Defendant's instant pro per Supplement Petition should be dismissed as a fugitive  
26 document. EJDRC 7.40(a) states:

27 When a party has appeared by counsel, the party cannot thereafter  
28 appear on the party's own behalf in the case without the consent  
of the court. Counsel who has appeared for any party must

1 represent that party in the case and shall be recognized by the court  
2 and by all parties as having control of the case. The court in its  
3 discretion may hear a party in open court although the party is  
represented by counsel.

4 Carl Arnold, Esq., was confirmed as counsel on August 26, 2020. The instant  
5 Supplement Petition was filed seven months later on March 18, 2021. Because Defendant  
6 cannot appear on his own behalf after he had already appeared by counsel, the current  
7 Supplement Petition is dismissed as a fugitive document.

8 **ORDER**

9 THEREFORE, IT IS HEREBY ORDERED that Defendant's Supplemental Petition for  
10 Writ of Habeas Corpus (Post-Conviction) shall be, and it is, hereby denied.

11 ~~DATED~~ this \_\_\_\_ day of June, 2021.

Dated this 22nd day of July, 2021

12   
13 DISTRICT JUDGE

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

B2B 83A 2614 D93C  
Jacqueline M. Bluth  
District Court Judge

kj  
MT

16 BY   
17 KAREN MISHLER  
18 Chief Deputy District Attorney  
Nevada Bar #13730

19  
20 **CERTIFICATE OF MAILING**

21 I hereby certify that service of the above and foregoing was made this 24th day of June,  
22 2021, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

23 DAINE CRAWLEY #1167447  
24 HIGH DESERT STATE PRISON  
25 PO BOX 650  
INDIAN SPRINGS, NV, 89070

26 BY   
27 Secretary for the District Attorney's Office

28 KM/mah/L3

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Daine Crawley, Plaintiff(s)

CASE NO: A-20-816041-W

7 vs.

DEPT. NO. Department 6

8 Warden Williams, HDSP,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 7/22/2021

16 Steven Wolfson

motions@clarkcountyda.com

# DOCUMENTARY EXHIBITS

Virginia:

*In the Circuit Court of the City of Richmond, John Marshall Courts Building*

**TRIAL AND SENTENCING ORDER**

FIPS CODE: 760

Hearing Date: August 21, 2014

Judge: Walter W. Stout, III, Designate for  
Judge Bradley B. Cavedo

COMMONWEALTH OF VIRGINIA

v.

**DAINE ANTON CRAWLEY, DEFENDANT**

The defendant came before the Court for trial and appeared, in the custody of the Sheriff of this City, represented by appointed counsel, **Michael Gunlicks**. The Commonwealth was represented by **Michael Hollomon**.

The defendant was arraigned and pled **GUILTY** to Possession of Heroin, in accordance with a plea agreement.

The Court, being of the opinion that the defendant fully understood the nature and effect of the plea(s) and of the penalties that may be imposed upon conviction(s) and of the waiver of trial by jury and of appeal, proceeded to hear the evidence without a jury. The Court, upon the stipulation of the Commonwealth's evidence, accepts the plea agreement, and finds the defendant **GUILTY** of the following offense(s):

CASE NUMBER	OFFENSE DESCRIPTION AND INDICATOR (F/M)	OFFENSE DATE	VA. CODE SECTION	VCC REFERENCE
CR14-F-3523	Possession of Heroin (F)	03/27/14	18.2-250A(a)	NAR-3022-F5

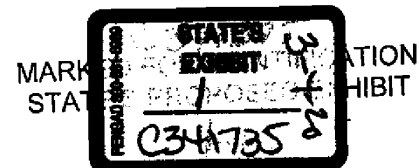
Pursuant to the provisions of Code §19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guidelines worksheets. The sentencing guidelines worksheets and the written explanation of any departure from the guidelines are ordered filed as a part of the record.

Before pronouncing the sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reason why judgment should not be pronounced.

The Court **SENTENCES** the defendant to:

Incarceration with the Virginia Department of Corrections for the term of: **5 years**.

The sentence shall run consecutively with all other sentences.



The Court **SUSPENDS 4 year, 11 months and 29 days** of the sentence, for a period of **5 years**, upon the following condition(s):

**Good Behavior.** The defendant shall be of good behavior upon release from confinement.

**DNA Testing.** The defendant shall submit to DNA testing pursuant to §19.2-310.2 of the Virginia Code (1950), as amended. No sample need be taken if there is already a DNA sample on file for the defendant.

**Supervised Probation.** The defendant is placed on probation to commence upon release from confinement, under the supervision of a Probation Officer, until released by the Court or by the Probation Officer. The defendant shall comply with all the rules and requirements set by the Probation Officer. Probation shall include substance abuse counseling and/or testing as prescribed by the Probation Officer.

**Substance Abuse Assessment.** The defendant shall undergo a substance abuse assessment pursuant to §18.2-251.01 and enter a treatment and/or education program as directed by the Department of Corrections. The defendant shall pay all or part of the costs of the program, including the costs of the screening, assessment, testing, and treatment, based upon his ability to pay.

**Costs.** The defendant shall pay court costs.

**Contraband.** It is ordered that the drugs seized in this case be destroyed by the City of Richmond Police Department in accordance with the law.

**License Suspension.** The Court suspends the defendant's motor vehicle operator's license for **6 months**.

**Waiver.** The defendant waives his/her right to ask the Commonwealth for sentence modification.

**Departure.** The defendant is remanded to jail.

**Credit for Time Served.** The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Code § 53.1-187.

ENTER: 9/6/14

**DEFENDANT IDENTIFICATION:**

Alias: n/a

SSN: 610-07-0540

DOB: 03/21/86

Edward P. Jewett, Clerk  
Judge

A Copy

Teste: EDWARD P. JEWETT, CLERK

BY: J. Jewett D.C.

Sex: male

**SENTENCING SUMMARY:**

TOTAL SENTENCE IMPOSED: **5 years**

TOTAL SENTENCE SUSPENDED: **4 years; 11 months; 29 days**

1 SUPERIOR COURT OF CALIFORNIA  
2 COUNTY OF ORANGE, WEST JUSTICE CENTER

ELECTRONICALLY FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE

01/25/2016  
10:19 AM

ALAN CARLSON, Clerk of the Court  
16WF0150

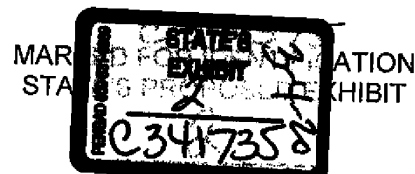
6 THE PEOPLE OF THE STATE OF CALIFORNIA, ) FELONY COMPLAINT  
7 )  
8 Plaintiff, )  
9 )  
10 vs. ) No.  
11 DAINÉ ANTON CRAWLEY 03/21/86 ) GGPD 16003589  
12 Defendant(s))

13 The Orange County District Attorney charges that in Orange  
14 County, California, the law was violated as follows:

15 COUNT 1: On or about January 22, 2016, in violation of Section  
16 4573 of the Penal Code (SMUGGLING CONTROLLED SUBSTANCES INTO  
17 CORRECTIONAL FACILITY), a FELONY, DAINÉ ANTON CRAWLEY did  
18 knowingly and unlawfully bring, send, and assist in bringing  
19 and sending HEROIN, a controlled substance, into and upon the  
20 grounds of GARDEN GROVE CITY JAIL, a jail.

21 COUNT 2: On or about January 22, 2016, in violation of Section  
22 11350(a) of the Health and Safety Code (POSSESSION OF A  
23 CONTROLLED SUBSTANCE), a MISDEMEANOR, DAINÉ ANTON CRAWLEY did  
24 unlawfully have in his/her possession a controlled substance,  
25 HEROIN.

26 /  
27 /  
28 /  
/



FELONY COMPLAINT E-FILED (DA CASE# 16F00617) 01-25-2016  
OC DNA NOT ON FILE: DAINÉ CRAWLEY

1 I declare under penalty of perjury, on information and belief,  
2 that the foregoing is true and correct.

3 Dated 01-25-2016 at Orange County, California.  
4 CO/QC 16F00617  
5

6 TONY RACKAUCKAS, DISTRICT ATTORNEY

7 by: /s/ CHRISTINE OH  
8 CHRISTINE OH, Deputy District Attorney  
9

10 RESTITUTION CLAIMED

11 [ X ] None  
12 [ ] \$ \_\_\_\_\_  
13 [ ] To be determined

14 BAIL RECOMMENDATION:

15 DAINA ANTON CRAWLEY - \$ 20,000.00

16 NOTICES:

17 The People request that defendant and counsel disclose, within  
18 15 days, all of the materials and information described in Penal  
19 Code section 1054.3, and continue to provide any later-acquired  
20 materials and information subject to disclosure, and without  
21 further request or order.  
22  
23  
24  
25  
26  
27  
28

**PLEADING  
CONTINUES  
IN NEXT  
VOLUME**