

# IN THE SUPREME COURT OF THE STATE OF NEVADA

JAVAR ERIS KETCHUM,  
Appellant(s),

vs.

THE STATE OF NEVADA,  
Respondent(s),

Electronically Filed  
May 27 2021 10:30 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No: A-20-821316-W

Docket No: 82863

# RECORD ON APPEAL VOLUME 2

ATTORNEY FOR APPELLANT  
JAVAR KETCHUM #1192727,  
PROPER PERSON  
P.O. BOX 650  
INDIAN SPRINGS, NV 89070

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

**I N D E X**

<b><u>VOLUME:</u></b>	<b><u>PAGE NUMBER:</u></b>
1	1 - 240
2	241 - 259

**I N D E X**

<b><u>VOL</u></b>	<b><u>DATE</u></b>	<b><u>PLEADING</u></b>	<b><u>PAGE NUMBER:</u></b>
1	05/10/2021	APPLICATION TO PROCEED INFORMA PAUPERIS (CONFIDENTIAL)	163 - 168
1	04/30/2021	CASE APPEAL STATEMENT	161 - 162
2	05/27/2021	CERTIFICATION OF COPY AND TRANSMITTAL OF RECORD	
1	04/23/2021	COUNSEL'S NOTICE OF MOTION AND MOTION TO WITHDRAW AS ATTORNEY OF RECORD	145 - 148
2	05/27/2021	DISTRICT COURT MINUTES	253 - 259
2	05/11/2021	EX PARTE MOTION TO TRANSPORT:	246 - 249
1	03/31/2021	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER	118 - 130
1	05/10/2021	JUDICIAL NOTICE	169 - 170
1	05/10/2021	MEMORANDUM OF AFFIDAVITS	205 - 237
1	05/10/2021	MOTION FOR APPOINTMENT OF COUNSEL	176 - 189
1	05/10/2021	MOTION FOR CONTINUANCE OF: MAY 04, 2021 HEARING DATE OF: MOTION FOR RECONSIDERATION, OR IN THE ALTERNATIVE, MOTION FOR REHEARING OF PETITIONER'S NRS CHAPTER 34 PETITION (CONTINUED)	238 - 240
2	05/10/2021	MOTION FOR CONTINUANCE OF: MAY 04, 2021 HEARING DATE OF: MOTION FOR RECONSIDERATION, OR IN THE ALTERNATIVE, MOTION FOR REHEARING OF PETITIONER'S NRS CHAPTER 34 PETITION (CONTINUATION)	241 - 241
1	05/10/2021	MOTION FOR EVIDENTIARY HEARING	190 - 204
1	03/31/2021	MOTION FOR RECONSIDERATION, OR IN THE ALTERNATIVE MOTION FOR REHEARING OF PETITIONER'S NRS CHAPTER 34 PETITION	37 - 116
1	05/10/2021	MOTION TO WITHDRAW COUNSEL	171 - 174
1	04/29/2021	NOTICE OF APPEAL	156 - 160

**I N D E X**

<b><u>VOL</u></b>	<b><u>DATE</u></b>	<b><u>PLEADING</u></b>	<b><u>PAGE NUMBER:</u></b>
1	09/16/2020	NOTICE OF CHANGE OF CASE NUMBER	12 - 13
1	04/05/2021	NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER	131 - 144
1	01/13/2021	NOTICE OF HEARING	30 - 30
1	03/31/2021	NOTICE OF HEARING	117 - 117
1	04/23/2021	NOTICE OF HEARING	149 - 149
2	05/11/2021	NOTICE OF HEARING	245 - 245
1	05/10/2021	NOTICE OF MOTION	175 - 175
1	01/11/2021	NOTICE OF MOTION AND MOTION TO CONTINUE REPLY BRIEF DEADLINE AND HEARING DATE	26 - 29
2	05/12/2021	ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION, OR IN THE ALTERNATIVE MOTION FOR REHEARING OF PETITIONER'S NRS CHAPTER 34 PETITION	250 - 252
1	09/11/2020	PETITION FOR POST-CONVICTION WRIT OF HABEAS CORPUS	1 - 11
1	02/09/2021	REPLY TO STATE'S RESPONSE TO PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	31 - 36
1	04/27/2021	STATE'S OPPOSITION TO PETITIONER'S MOTION FOR RECONSIDERATION OR IN THE ALTERNATIVE MOTION FOR REHEARING OF PETITIONER'S NRS CHAPTER 34 PETITION	150 - 155
1	12/16/2020	STATE'S RESPONSE TO PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	14 - 25
2	05/10/2021	UNSIGNED DOCUMENT(S) - ORDER	244 - 244
2	05/10/2021	UNSIGNED DOCUMENT(S) - ORDER TO PROCEED IN FORMA PAUPERIS (CONFIDENTIAL)	242 - 243

CERTIFICATE OF SERVICE BY MAIL:

I, JAVAR KETCHUM, DO HEREBY SWEAR AND DEPOSE,  
UNDER PENALTY OF PERJURY, PURSUANT TO NRS 20K.165:  
I DID MAIL A TRUE AND CORRECT COPY OF THIS:  
MOTION FOR CONTINUANCE : TO THE RESPONDENTS;  
POSTAGE PREPAID AT NEVADA DESERT STATE PRISON  
MAIL ROOM : DATED: THIS 14 APRIL 2021

RESPECTFULLY SUBMITTED:

Javar Ketchum  
JAVAR KETCHUM #1192727  
H.B.S.P. / 7B-19  
P.O. BOX 650  
INDEPENDENCE, NEVADA  
89070  
IN PROPER PERSON

DECLARATION PURSUANT TO: NRS 239B.030:

I, JAVAR KETCHUM DO HEREBY SWEAR AND DO  
DEPOSE, UNDER NRS 239B.030, NO ONE'S SOCIAL  
SECURITY NUMBER IS WITHIN THIS DOCUMENT.

54 Javar Ketchum  
JAVAR KETCHUM #1192727

THIS SEALED  
DOCUMENT,  
NUMBERED PAGE(S)  
242 - 243  
WILL FOLLOW VIA  
U.S. MAIL

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DISTRICT COURT

CLARK COUNTY, NEVADA

JAVAR KOTCHUM,  
Defendant,

vs.

STATE OF NEVADA,  
Plaintiff.

Case No. A-20-821316-W

Dept. No. 17

Docket \_\_\_\_\_

**ORDER**

Upon reading the motion of defendant, JAVAR KOTCHUM, requesting withdrawal of counsel, CHRIS A. MUEHLER, GSO, Esq., of the Clark county Public Defender's Office, and Good Cause Appearing,

**IT IS HEREBY ORDERED** that defendant's Motion for Withdrawal of Counsel is GRANTED.

**IT IS HEREBY FURTHER ORDERED** that Counsel deliver to defendant at his address, all documents, papers, pleadings, discovery and any other tangible property in the above-entitled case.

DATED and DONE this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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

RECEIVED

APR 16 2021

CLERK OF THE COURT



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

Javar Ketchum, Plaintiff(s)

vs.

Nevada State of, Defendant(s)

Case No.: A-20-821316-W

Department 17

**NOTICE OF HEARING**

Please be advised that the Plaintiff's Motion (s) : 1) Motion to Withdraw Counsel 2) Motion for Appointment of Counsel 3) motion for Evidentiary Hearing 4) Motion for Continuance of May 04, 2021 Hearing date; Motion for Reconsideration or in the Alternative Motion for Rehearing of Petitioner's NRS Chapter 34 Petition in the above-entitled matter is set for hearing as follows:

**Date:** June 15, 2021

**Time:** 8:30 AM

**Location:** RJC Courtroom 11A  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

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

**CERTIFICATE OF SERVICE**

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

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



*Heather Shuman*  
CLERK OF THE COURT

JAVAR KETCHUM #1192727  
H.D.S.A. / 7A-18  
P.O. BOX 650  
INDIAN SPRINGS, NEVADA  
89070

DISTRICT COURT  
CLARK COUNTY, NEVADA

JAVAR KETCHUM,  
PETITIONER,  
VS.

CASE NO.: A-20-821316-W

DEPT. NO.: 17

STATE OF NEVADA,

RESPONDENT.

EX PARTE

MOTION TO TRANSPORT:

DATE OF HEARING: \_\_\_\_\_

TIME OF HEARING: \_\_\_\_\_

RECEIVED  
CLERK OF THE COURT  
APR 27 2021  
I, JAVAR KETCHUM, IN  
PROPER PERSON, AND FILE THE INSTANT: MOTION  
TO TRANSPORT PETITIONER TO THE HEARING OF  
MOTION FOR RECONSIDERATION, ON THE DATE  
OF: MAY 4<sup>th</sup>, 2021.

THIS MOTION IS MADE IN GOOD FAITH.

1.

PETITIONER IS AN INMATE, HOUSES AT HIGH  
DESERT STATE PRISON; AND HAS FILED AN NRS CHAPTER  
34 PETITION FOR WRIT OF HABEAS CORPUS, ON THE  
DATE OF: 11 SEPTEMBER 2020. THIS COURT DENIED  
THE NRS CHAPTER 34 PETITION; AND PETITIONER FILED  
A TIMELY MOTION FOR RECONSIDERATION TO BE HEARD  
BY THIS COURT, IN THE ABOVE NAMED CASE; ON  
THE DATE OF: MAY 14 / 2021.

PETITIONER HAS ALREADY FILED A: MOTION TO  
WITHDRAW COUNSEL; AND A NUMBER OF OTHER  
MOTIONS RELEVANT TO THE CASE; AND IS  
PROPER PERSON. IN: COURT CALIFORNIA.

PETITIONER THEREFORE SUBMITS THAT GOOD  
CAUSE EXISTS TO ALLOW HIM TO APPEAR IN HIS  
PROPER PERSON, IN ORDER TO REPRESENT TO THIS  
COURT WHY THE PROCEEDINGS SHOULD BE  
CONTINUED; UNTIL SUCH TIME AS THIS COURT  
CAN HEAR AND CONSIDER ALL MOTIONS.

DATED THIS 22<sup>TH</sup> DAY OF APRIL 2021.

RESPECTFULLY SUBMITTED:

James Ketchum  
JAMES KETCHUM #1192727  
H.D.S.P. / TB-19  
P.O. BOX 650  
INDIAN SPRINGS, NEVADA  
89070  
IN PROPER PERSON

CERTIFICATE OF SERVICE:

I, JAVAR KETCHUM, DO HEREBY SWEAR AND  
DEPOSE, UNDER PENALTY OF PERJURY, PURSUANT  
TO NRS 208.165; THAT I DID MAIL AN ORIGINAL:  
MOTION TO TRANSPORT; TO THE COURT CLERK, 8TH  
JUDICIAL DISTRICT COURT; POSTAGE PAID AT:  
NIGHT DESERT STATE PRISON; DATED: 4/22/2021.

RESPECTFULLY SUBMITTED:

Javar Ketchum  
JAVAR KETCHUM #1192727

H.D.S.P./ 75-19

H.D.S.P., P.O. BOX 650

INDIAN SPRINGS, NEVADA  
89070

IN PROPER PERSON

3.

Javar Ketchum  
H.D.S.P #1192727

P.O. Box 656  
Indain sprengs, NV 89070

22 APR 2021

To: Court clerk!  
Regional Justice Center  
200 Lewis Ave Dept. 17  
Las Vegas, NV 89101

LAS VEGAS NV 890  
23 APR 2021 PM 3 L

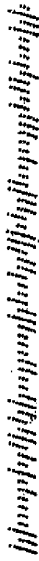


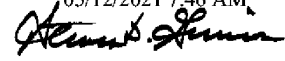
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FOREVER / USA

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CLERK OF THE COURT

1 **ORDR**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 ROBERT TURNER  
6 Chief Deputy District Attorney  
7 Nevada Bar #006526  
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 JAVAR KETCHUM,  
14 #1192727

15 Defendant.

CASE NO: A-20-821316-W

DEPT NO: XVII

16 **ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION, OR IN**  
17 **THE ALTERNATIVE MOTION FOR REHEARING OF PETITIONER'S NRS**  
18 **CHAPTER 34 PETITION**

19 DATE OF HEARING: May 4, 2021  
20 TIME OF HEARING: 8:30 A.M.

21 THIS MATTER having come on for hearing before the above-entitled Court on the  
22 4th day of May, 2021, the Defendant not being present, IN PROPERT PERSON, the Plaintiff  
23 being represented by STEVEN B. WOLFSON, District Attorney, through ROBERT  
24 TURNER, Chief Deputy District Attorney, without argument, based on the pleadings and  
25 good cause appearing therefor,

26 ///

27 ///

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///

\\CLARKCOUNTYDA.NET\CRM\CASE2\2016\589\85\201658985C-ORDR-(JAMES KETCHUM)-001.DOCX

Statistically closed: USJR - CV - Other Manner of Disposition (USJROT)

1 IT IS HEREBY ORDERED that the Plaintiff's Motion for Reconsideration, or in the  
2 Alternative Motion for Rehearing of Petitioner's NRS Chapter 34 Petition, shall be, and it is  
3 DENIED.

4 DATED this \_\_\_\_\_ day of May, 2021.

Dated this 12th day of May, 2021

5   
6 \_\_\_\_\_  
DISTRICT JUDGE

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

E69 63A 4C87 DDFA  
Michael Villani  
District Court Judge

9  
10 BY 

ROBERT TURNER  
Chief Deputy District Attorney  
Nevada Bar #006526

11  
12  
13  
14  
15 CERTIFICATE OF SERVICE

16 I certify that on the 10<sup>th</sup> day of May, 2021, I mailed a copy of the foregoing Order to:

17 JAVAR KETCHUM, BAC #1192727  
18 HIGH DESERT STATE PRISON  
19 PO BOX 650  
INDIAN SPRINGS, NV 89070

20 BY 

Secretary for the District Attorney's Office

21  
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1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5	
6 Javar Ketchum, Plaintiff(s)	CASE NO: A-20-821316-W
7 vs.	DEPT. NO. Department 17
8 Nevada State of, Defendant(s)	
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: 5/12/2021

15 Craig Mueller	craig@craigmuellerlaw.com
16 Craig Mueller	receptionist@craigmuellerlaw.com
17 District Attorney	motions@clarkcountyda.com
18 John Niman	JOHN.NIMAN@CLARKCOUNTYDA.COM
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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**November 06, 2020**

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A-20-821316-W      Javar Ketchum, Plaintiff(s)  
vs.  
Nevada State of, Defendant(s)

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**November 06, 2020      10:15 AM      Petition for Writ of Habeas  
Corpus**

**HEARD BY:** Johnson, Eric

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Samantha Albrecht

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

**PRESENT:**      Giordani, John      Attorney  
Maynard, Jay      Attorney  
Nevada State of      Defendant

**JOURNAL ENTRIES**

- Court noted it had received the Petition and stated a briefing schedule needed to be set. COURT ORDERED, Briefing Schedule SET as follows: State's Return due by December 18, 2020; Petitioner's Reply due by January 15, 2021; and hearing SET.

NDC

2/3/2021 9:00 AM PETITION FOR WRIT OF HABEAS CORPUS



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**January 26, 2021**

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A-20-821316-W	Javar Ketchum, Plaintiff(s) vs. Nevada State of, Defendant(s)
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**January 26, 2021      8:30 AM      Motion**

**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Samantha Albrecht

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Luong, Vivian Mueller, Craig A Nevada State of	Attorney Attorney Defendant
-----------------	--	-----------------------------------

**JOURNAL ENTRIES**

- Defendant not present. Mr. Mueller stated a previous appointment to meet with the Defendant was canceled and a new appointment has been scheduled for February 8th, therefore he requested the reply brief be due on that date and the hearing be continued. COURT ORDERED, Motion GRANTED, Reply Brief due 2/8/2021 and Hearing on Petition VACATED and RESET.

NDC

3/12/21 8:30 AM PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**March 12, 2021**

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A-20-821316-W	Javar Ketchum, Plaintiff(s) vs. Nevada State of, Defendant(s)
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<b>March 12, 2021</b>	<b>8:30 AM</b>	<b>Petition for Writ of Habeas Corpus</b>
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**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Samantha Albrecht

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Giordani, John Nevada State of Pallares, Jose Carlos	Attorney Defendant Attorney
-----------------	--	-----------------------------------

**JOURNAL ENTRIES**

- Defendant not present. Court noted it had reviewed all of the pleadings filed. Mr. Pallares stated he was requesting an Evidentiary Hearing on the issue that trial counsel should have called a psychologist to testify as to his state of my mind as a robbery victim, as the Defendant claimed to be a robbery victim by the victim of the shooting. Court noted it can only address the Petition in front of it and further noted the Petition brought up the issues of trial counsel failing to view the video, failing to object to the admission of the video, and ineffective cross-examination of Mr. Bernard. Upon Court's inquiry, Mr. Pallares stated trial counsel had no access to the video and the inculpatory parts were not presented during trial. Upon Court's inquiry, Mr. Pallares indicated there was a lack of foundation and a violation of Brady that trial counsel was not shown the video, however trial counsel failed to view the video once it was given to him in its entirety. Mr. Pallares stated the ineffective cross-examination claim occurred when trial counsel failed to bring up the differences in Mr. Bernard's statements to police and his testimony at trial.

Mr. Giordani stated the Strickland standard is very clear and noted Mr. Woolridge was very effective and worked with what he had. Mr. Giordani further stated bringing up a Brady claim was

PRINT DATE: 05/27/2021

Page 3 of 7

Minutes Date: November 06, 2020

inappropriate and advised Mr. Woolridge had full access to the video prior to trial, therefore there would have been no legal basis to object to the video. Mr. Giordani noted Mr. Ketchum testified and gave a claim of self defense.

Court noted it had reviewed the Appellant's Opening Brief and it was asserted trial counsel watched the entire video. Court FINDS no legal basis establishing a valid objection to the admission of the video, proper foundation was established, there was no argument during trial or in the Petition stating the video was inadmissible evidence, the cross-examination of Mr. Bernard brought up his statements to the police were incomplete or had omissions and he was confronted with the differences in his trial testimony and his statements to the police, therefore neither prong of Strickland has been established. COURT ADOPTED the Procedural History as set forth by the State. Court noted it was difficult to confirm the allegations as there were no citations in the Petition or Reply Brief. COURT ORDERED, Petition DENIED and DIRECTED the State to prepare the Findings of Facts and Conclusions of Law; Status Check SET. Court stated the Status Check date would be vacated once that document was filed.

NDC

4/1/2021 10:00 AM STATUS CHECK: FINDINGS OF FACTS AND CONCLUSIONS OF LAW

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**April 01, 2021**

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A-20-821316-W      Javar Ketchum, Plaintiff(s)  
vs.  
Nevada State of, Defendant(s)

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**April 01, 2021      10:00 AM      Status Check: Status of  
Case**

**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Court noted the Findings of Facts and Conclusions of Law were filed on March 31, 2021. COURT ORDERED status check OFF CALENDAR.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**May 04, 2021**

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A-20-821316-W	Javar Ketchum, Plaintiff(s)
	vs.
	Nevada State of, Defendant(s)

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**May 04, 2021                      8:30 AM                      All Pending Motions**

**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Samantha Albrecht

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Mueller, Craig A	
	Nevada State of	Defendant
	Turner, Robert B.	Attorney

**JOURNAL ENTRIES**

- PLAINTIFF'S - MOTION FOR RECONSIDERATION,OR IN THE ALTERNATIVE MOTION FOR REHEARING OF PETITIONER'S NRS CHAPTER 34 PETITION...COUNSEL'S NOTICE OF MOTION AND MOTION TO WITHDRAW AS ATTORNEY OF RECORD

Defendant not present.

Mr. Mueller requested the Motion to Withdraw be granted, COURT SO ORDERED. Court advised it was basing its decision on the pleadings on file herein and not accepting oral argument. COURT FINDS no legal or factual basis to grant the Motion, therefore COURT ORDERED, Motion for Reconsideration DENIED; State to prepare the Order. COURT FURTHER ORDERED, Status Check SET; date to be vacated once the Order is filed.

NDC

5/25/2021 10:00 AM STATUS CHECK: ORDER

PRINT DATE: 05/27/2021

Page 6 of 7

Minutes Date: November 06, 2020

**A-20-821316-W**

CLERK'S NOTE: A copy of this Minute Order was mailed to:

Javar Ketchum #1192727

PO Box 650

Indian Springs, NV 89070 (5/7/2021 sa)

PRINT DATE: 05/27/2021

Page 7 of 7

Minutes Date: November 06, 2020

# Certification of Copy and Transmittal of Record

State of Nevada }  
County of Clark } SS:

Pursuant to the Supreme Court order dated May 13, 2021, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises two volumes with pages numbered 1 through 259.

JAVAR KETCHUM,

Plaintiff(s),

vs.

THE STATE OF NEVADA,

Defendant(s),

Case No: A-20-821316-W

Dept. No: XVII

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 27 day of May 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk