

Steven D. Grierson

MDA

Gregory Scott Hermanski # 69140
NMCC P.O. Box 7000
Carson City, NV 89702
(Defendant, pro per)

District Court
Clark County, Nevada

Electronically Filed
May 18 2021 11:44 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

The State of Nevada,
plaintiff,

-VS-

Case No. 00C167783

Dept. No. VI

Gregory Scott Hermanski,
defendant.

Notice of Appeal

Notice is hereby given that Gregory Scott Hermanski, defendant herein, hereby appeals to the Supreme Court of Nevada from Order of the district court denying defendant's "motion to correct an illegal sentence" entered March 9, 2021 in the above styled cause.

Respectfully Submitted,

Gregory Scott Hermanski
Gregory Scott Hermanski
(defendant, pro per)

RECEIVED

MAY 13 2021
CLERK OF THE COURT

this 30th day of April, 2021.

On this date defendant received "minute Order" dated March 9, 2021. However, defendant previously expressed his desire to appeal any adverse decision in letters to the court dated 2-18-21 and 3-17-21 respectively.

Certificate of Service

I, Gregory Scott Hermanski, do hereby certify pursuant to NRCPS (b) that in accordance with Nevada Rules of Appellate procedure 4 (b), on this 30th day of April, 2021, I served a true and correct copy of the foregoing "Notice of Appeal" and "Designation of Record on Appeal" by depositing same in the out-going legal mail in the Northern Nevada Correctional Center law library, First class postage fully pre-paid and addressed to:

Steven B. Wolfson, District Attorney
200 Lewis Ave
P.O. Box 552212
Las Vegas, NV 89155-2212

Dated this 6th day of May, 2021. Gregory S. Hermanski
Gregory Scott Hermanski

14

691140
Gregory S. Hernandez #89140
A/K/A Robert James Day
P.O. Box 7000
Carson City, NV. 89702

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05/10/2021
US POSTAGE
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Clerk of Court
200 Lewis Ave
PO BOX 551601
Las Vegas, NV
89155-1601

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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**

9
10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 GREGORY S. HERMANSKI
14 aka ROBERT JAMES DAY,

15 Defendant(s),

Case No: 00C167783

Dept No: VI

16
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Gregory Scott Hermanski

19 2. Judge: Jacqueline M. Bluth

20 3. Appellant(s): Gregory Scott Hermanski

21
22 Counsel:

23 Gregory Scott Hermanski #69140
24 P.O. Box 7000
Carson City, NV 89702

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 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: June 8, 2000

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

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 38028, 41405, 47011, 47963, 55718, 58688, 58871,
64951, 65298, 65389, 65616, 65673, 68392, 80288

12. Child Custody or Visitation: N/A

Dated This 14 day of May 2021.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Gregory Scott Hermanski

CASE SUMMARY**CASE NO. 00C167783****The State of Nevada vs Gregory S Hermanski**

Location: **Department 6**
 Judicial Officer: **Bluth, Jacqueline M.**
 Filed on: **06/08/2000**
 Case Number History:
 Cross-Reference Case Number: **C167783**
 Defendant's Scope ID #: **1679345**
 Lower Court Case # Root: **00F06978**
 Lower Court Case Number: **00F06978X**
 Supreme Court No.: **55718**
58688
58871
64951
65298
65389
65616
65673
68392
80288

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. ROBBERY WITH USE OF A DEADLY WEAPON	200.380*165	F	01/01/1900	Case Status:	03/31/2014 Closed
2. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	205.060*165	F	01/01/1900		

Related Cases

00F06978X (Bind Over Related Case)

Statistical Closures

03/31/2014	Other Manner of Disposition - Criminal
01/11/2012	Other Manner of Disposition - Criminal
06/01/2010	USJR Reporting Statistical Closure
03/16/2006	USJR Reporting Statistical Closure
01/13/2005	USJR Reporting Statistical Closure
06/20/2002	USJR Reporting Statistical Closure
12/05/2000	USJR Reporting Statistical Closure
01/31/2005	USJR Reporting Statistical Closure
05/06/2003	USJR Reporting Statistical Closure
03/15/2010	USJR Reporting Statistical Closure
05/11/2001	USJR Reporting Statistical Closure
05/10/2006	USJR Reporting Statistical Closure

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number	00C167783
Court	Department 6
Date Assigned	04/29/2019
Judicial Officer	Bluth, Jacqueline M.

PARTY INFORMATION

		<i>Lead Attorneys</i>
Defendant	Hermanski, Gregory S	Pro Se
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)



















CASE SUMMARY**CASE NO. 00C167783**

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

06/08/2000	 Criminal Bindover
06/09/2000	 Information
06/19/2000	 Order of Commitment Pursuant to NRS 178.425 <i>Order (Commitment)</i>
06/21/2000	 Reporters Transcript <i>Transcript of Hearing Held on June 6, 2000</i>
08/25/2000	 Order
09/27/2000	 Order
10/04/2000	 Order to Transport Defendant <i>Order to Transport Defendant (Found Competent per NRS 178.460)</i>
10/04/2000	 Findings of Competency <i>Findings (of Competency)</i>
11/15/2000	 Remittitur to the Lower Court <i>Remittitur</i>
11/17/2000	 Order <i>Order (Remand)</i>
12/06/2000	 Criminal Bindover
12/07/2000	 Information
01/09/2001	 Reporters Transcript <i>Transcript of Hearing Held on December 4, 2000</i>
01/23/2001	 Notice of Witnesses <i>Notice of Witnesses [NRS 174.234(1)(b)]</i>
02/21/2001	 Amended Information
02/21/2001	 Motion <i>Motion and Notice of Motion to Amend Information</i>
02/21/2001	 Order <i>Order to Amend Information</i>
02/22/2001	 Motion to Dismiss <i>Motion to Dismiss Information</i>

CASE SUMMARY

CASE NO. 00C167783

02/22/2001	 List of Witnesses Filed By: Defendant Hermanski, Gregory S <i>Witness List</i>
02/27/2001	 Notice of Witnesses <i>Notice of Witnesses [NRS 174.234 (1)(b)]</i>
03/09/2001	 Motion to Dismiss Filed By: Defendant Hermanski, Gregory S <i>Motion to Dismiss for Failure to Preserve Evidence</i>
03/12/2001	 Information Amended in Open Court <i>Information Amended by Interlineation</i>
03/13/2001	 Information Amended in Open Court <i>Information Amended by Interlineation</i>
03/14/2001	 Jury List
03/15/2001	 Verdict
03/15/2001	 Proposed Jury Instructions Not Used At Trial
03/15/2001	 Instructions to the Jury
03/20/2001	 Motion <i>Motion and Notice of Motion to Amend Information</i>
03/26/2001	 Amended Information <i>Second Amended Information</i>
03/26/2001	 Order <i>Order to Amended Information</i>
04/25/2001	 PSI <i>Pre-Sentence Investigation Report (Unfiled) Confidential</i>
05/08/2001	 PSI <i>Corrected Pre-Sentence Investigation Report (Unfiled) Confidential</i>
05/18/2001	 Judgment of Conviction <i>Judgment of Conviction (Plea of Guilty)</i>
06/08/2001	 Request Filed by: Defendant Hermanski, Gregory S <i>Request for Rough Draft Transcript</i>
06/08/2001	 Notice of Appeal (Criminal) Party: Defendant Hermanski, Gregory S <i>Notice of Appeal</i>


CASE SUMMARY

CASE NO. 00C167783

06/08/2001	 Case Appeal Statement Filed By: Defendant Hermanski, Gregory S
07/02/2001	 Reporters Transcript <i>Transcript of Hearing Held on March 13, 2001</i>
07/02/2001	 Reporters Transcript <i>Transcript of Hearing Held on March 14, 2001</i>
07/02/2001	 Reporters Transcript <i>Transcript of Hearing Held on May 9, 2001</i>
07/02/2001	 Reporters Transcript <i>Transcript of Hearing Held on March 12, 2001</i>
09/25/2001	 Order Filed By: Defendant Hermanski, Gregory S <i>Order for Transcript</i>
11/01/2001	 Reporters Transcript <i>Transcript of Hearing Held on February 21, 2001</i>
02/15/2002	 Order for Production of Inmate <i>Order for Production of Inmate Robert James Day, BAC #69140</i>
04/18/2002	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerks Certificate/Remittitur Judgment - Affirmed in Part and Remand; Rehearing Denied</i>
07/19/2002	 Motion for New Trial <i>Motion for a New Trial</i>
07/19/2002	 Motion to Vacate <i>Motion to Vacate Sentence as an Habitual Criminal</i>
07/19/2002	 Order Filed By: Defendant Hermanski, Gregory S <i>Order for Transcript</i>
08/27/2002	 Declaration Filed By: Defendant Hermanski, Gregory S <i>Declaration of Defendant</i>
08/28/2002	 Motion to Dismiss <i>Motion to Dismiss Count Pursuant to Habitual Criminal Statute, NRS 207.010</i>
08/30/2002	 Motion for New Trial <i>Motion for a New Trial</i>
09/26/2002	 Order for Production of Inmate <i>Order for Production of Inmate Robert James Day, BAC #69140</i>

CASE SUMMARY

CASE NO. 00C167783

10/01/2002	 Motion for New Trial Filed By: Defendant Hermanski, Gregory S <i>Motion for a New Trial</i>
10/02/2002	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Vacate Sentence as an Habitual Criminal</i>
10/02/2002	 Opposition to Motion <i>State's Opposition to Defendant's Motion for New Trial</i>
10/02/2002	 Judgment of Conviction <i>Judgment of Conviction Amended by Interlineation</i>
12/03/2002	 Motion to Dismiss Counsel <i>Motion to Dismiss Counsel and Appointment of Substitute Counsel</i>
12/03/2002	 Response <i>State's Response to Defendant's Motion for New Trial</i>
12/04/2002	 Objection Filed By: Defendant Hermanski, Gregory S
12/26/2002	 Notice of Intent <i>Notice of Intent to Seek Punishment as a Habitual Criminal</i>
12/30/2002	 Order Appointing Counsel
01/24/2003	 Ex Parte Order <i>Ex Parte Order for Transcript</i>
02/11/2003	 Reporters Transcript <i>Transcript of Hearing Held on April 26, 2000</i>
02/20/2003	 PSI <i>Pre-Sentence Investigation Report (Unfiled) Confidential</i>
04/01/2003	 Order for Production of Inmate <i>Order for Production of Inmate Robert James Day, aka, Gregory Scott Hermanski, BAC #69140</i>
05/07/2003	 Notice of Appeal (Criminal) Party: Defendant Hermanski, Gregory S <i>Notice of Appeal</i>
05/07/2003	 Case Appeal Statement
05/08/2003	 Notice of Appeal (Criminal) Party: Defendant Hermanski, Gregory S <i>Notice of Appeal</i>
05/08/2003	 Designation of Record on Appeal Filed By: Defendant Hermanski, Gregory S


















CASE SUMMARY

CASE NO. 00C167783

05/08/2003	 Case Appeal Statement
05/16/2003	 Amended Judgment of Conviction
05/20/2003	 Notice of Appeal (Criminal) Party: Defendant Hermanski, Gregory S <i>Notice of Appeal</i>
05/20/2003	 Designation of Record on Appeal Filed By: Defendant Hermanski, Gregory S
05/20/2003	 Case Appeal Statement
05/22/2003	 Notice of Appeal (Criminal) Party: Defendant Hermanski, Gregory S <i>Notice of Appeal</i>
05/30/2003	 Case Appeal Statement
02/27/2004	 Reporters Transcript <i>Transcript of Hearing Held on April 30, 2003</i>
08/02/2004	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>
08/26/2004	 Order Filed By: Defendant Hermanski, Gregory S <i>Order for Excess Fees</i>
01/14/2005	 Motion to Withdraw As Counsel <i>Motion to Withdraw Counsel</i>
02/08/2005	 Order Granting Motion <i>Order Granting Defendant's Motion to Withdraw Counsel</i>
07/13/2005	 Petition for Writ of Habeas Corpus Filed by: Defendant Hermanski, Gregory S
07/18/2005	 Order for Petition for Writ of Habeas Corpus
09/20/2005	 Opposition <i>State's Opposition to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>
10/05/2005	 Motion <i>Motion for Prisoner Transportation Order</i>
10/05/2005	 Notice of Motion Filed By: Defendant Hermanski, Gregory S
10/24/2005	 Opposition to Motion

CASE SUMMARY

CASE NO. 00C167783

	<i>State's Opposition to Defendant's Motion for Prisoner Transportation</i>
10/24/2005	 Opposition to Motion <i>State's Opposition to Defendant's Motion for Prisoner Transportation</i>
12/08/2005	 Supplemental <i>State's Supplemental Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>
01/19/2006	 Order Denying Motion <i>Order Denying Defendant's Pro Per Motion to Reconsider Motion for Prisoner Transportation</i>
03/03/2006	 Findings of Fact, Conclusions of Law and Order
03/06/2006	 Notice of Entry of Decision and Order
03/16/2006	 Motion to Rehear <i>Petitioner's Motion for Rehearing on Decision Entered March 3, 2006</i>
03/23/2006	 Opposition to Motion <i>State's Opposition to Defendant's Motion for Rehearing</i>
03/27/2006	 Notice of Appeal (Criminal) Party: Defendant Hermanski, Gregory S <i>Notice of Appeal</i>
03/28/2006	 Case Appeal Statement
04/11/2006	 Order Denying Motion <i>Order Denying Petitioner's Motion for Rehearing on Decision Entered March 3, 2006</i>
07/27/2006	 Amended Judgment of Conviction <i>Second Amended Judgment of Conviction</i>
08/10/2006	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed and Remand</i>
08/11/2006	 Motion to Stay <i>Defendant's Motion to Stay Proceedings and Motion for Appointment of Counsel</i>
08/22/2006	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Stay Proceedings and Motion for Appointment of Counsel</i>
08/28/2006	 Notice of Appeal (Criminal) Party: Defendant Hermanski, Gregory S <i>Notice of Appeal</i>
08/28/2006	 Case Appeal Statement
08/29/2006	 Order Denying Motion <i>Order Denying Defendant's Motio to Stay Proceedings and Motion for Appointment of</i>

CASE SUMMARY

CASE NO. 00C167783

Counsel

11/02/2006	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
02/09/2010	 Notice of Motion <i>Notice of Motion and Motion to Correct an Illegal Sentence or in the Alternative Motion for Modification of Sentence</i>
02/19/2010	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Correct Illegal Sentence or in the Alternative Motion for Modification of Sentence</i>
03/09/2010	 Order Denying Motion <i>Order Denying Defendant's Motion to Correct Illegal Sentence or in the Alternative Motion for Modification of Sentence</i>
03/25/2010	 Motion to Reconsider <i>Motion for Reconsideration</i>
03/25/2010	 Notice of Appeal (Criminal) Party: Defendant Hermanski, Gregory S <i>Notice of Appeal</i>
03/27/2010	 Case Appeal Statement
04/08/2010	 Order Denying Motion <i>Order Denying Defendant's Pro Per Motion to Reconsider</i>
10/11/2010	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>
04/25/2011	 Notice of Motion Filed By: Defendant Hermanski, Gregory S <i>"Notice of Motion and Motion to Correct an Illegal Sentence or, in the Alternative, Motion for Modification of Sentence"</i>
05/06/2011	 Opposition to Motion <i>State's Opposition to Defendant's Pro Per Motion to Correct Illegal Sentence or in the Alternative Motion for Modification of Sentence</i>
05/19/2011	 Supplemental Filed by: Defendant Hermanski, Gregory S <i>Supplemental Points and Authorities in Support of Motion to Correct an Illegal Sentence or, in the Alternative, Motion for Modification of Sentence</i>
05/20/2011	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Pro Per Motion to Correct Illegal Sentence or, in the Alternative, Motion for Modification of Sentence</i>
05/24/2011	 Motion Filed By: Defendant Hermanski, Gregory S <i>"Defendant's Motion for Leave to File Supplemental Points and Authorities in Support of</i>

CASE SUMMARY

CASE NO. 00C167783

Motion to Correct an Illegal Sentence or in the Alternative Motion for Modification of Sentence"

05/24/2011



Motion

Filed By: Defendant Hermanski, Gregory S
Defendant's Motion for Leave to File "Defendant's Response to State's Opposition to Defendant's Pro Per Motion to Correct an Illegal Sentence or in the Alternative Motion for Modification of Sentence"

05/24/2011



Response

Filed by: Defendant Hermanski, Gregory S
Defendant's Response to "State's Opposition to Defendant's Pro Per Motion to Correct an Illegal Sentence or in the Alternative, Motion for Modification of Sentence"

06/02/2011



Opposition to Motion

State's Opposition to Defendant's Motion for Leave to File Defendant's Response to State's Opposition to Defendant's Pro Per Motion to Correct Illegal Sentence or in the Alternative Motion for Modification of Sentence

06/02/2011



Opposition to Motion

State's Opposition to Defendant's Motion for Leave to File Supplemental Points and Authorities in Support of Motion to Correct Illegal Sentence or in the Alternative Motion for Modification of Sentence

06/16/2011



Notice of Motion

Filed By: Defendant Hermanski, Gregory S
Notice of Motion/ Motion for Extension of Time

06/21/2011



Motion to Reconsider

Filed By: Defendant Hermanski, Gregory S
Motion for Reconsideration

06/24/2011



Notice of Appeal (Criminal)

Party: Defendant Hermanski, Gregory S
Notice of Appeal

06/28/2011



Case Appeal Statement

06/28/2011



Opposition to Motion

State's Opposition to Defendant's Motion for Extension of Time

06/29/2011



Opposition to Motion

State's Opposition to Defendant's Motion for Reconsideration

07/07/2011



Notice of Entry of Order

07/11/2011



Order Denying Motion

Filed By: Plaintiff State of Nevada
Order Denying Defendant's Pro Per Motion for Leave to File Supplemental Points and Authorities in Support of Motion to Correct an Illegal Sentence or in the Alternative Motion for Modification of Sentence and Defendant's Pro Per Motion for Leave to File Defendant's Response to State's Opposition to Defendant's Pro Per Motion to Correct an Illegal Sentence or in the Alternative Motion for Modification of Sentence


07/12/2011



Notice of Entry of Order

CASE SUMMARY

CASE NO. 00C167783

07/21/2011	 Notice of Motion Filed By: Defendant Hermanski, Gregory S <i>Notice of Motion/ Motion for Leave to File Motion for Reconsideration</i>
07/21/2011	 Notice of Motion Filed By: Defendant Hermanski, Gregory S <i>Notice of Motion/ Motion for Reconsideration</i>
07/22/2011	 Opposition to Motion <i>State's Opposition to Defendant's Notice of Motion/ Motion for Leave to File Motion for Reconsideration</i>
07/25/2011	 Notice of Appeal (Criminal) Party: Defendant Hermanski, Gregory S <i>Notice of Appeal</i>
07/26/2011	 Case Appeal Statement Filed By: Plaintiff State of Nevada
08/09/2011	 Reply to Opposition Filed by: Defendant Hermanski, Gregory S <i>"Defendant's Reply to State's Opposition"</i>
08/11/2011	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Pro Per Motion for Leave to File Motion for Reconsideration</i>
08/12/2011	 Notice of Entry of Order
10/04/2011	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
12/20/2011	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>
01/11/2012	 Criminal Order to Statistically Close Case Filed By: Plaintiff State of Nevada
12/12/2013	 Notice of Motion Filed By: Defendant Hermanski, Gregory S <i>Notice of Motion and Motion to Correct Illegal Sentence</i>
12/12/2013	 Motion Filed By: Defendant Hermanski, Gregory S <i>Motion to Extend Prison Copy Work Limit</i>
12/16/2013	 Motion for Leave to Proceed in Forma Pauperis <i>Motion for Leave to Proceed in Forma Pauperis (Confidential)</i>
12/16/2013	 Affidavit in Support of Application Proceed Forma Pauperis <i>Affidavit in Support of Request to Proceed in Forma Pauperis (Confidential)</i>

CASE SUMMARY

CASE NO. 00C167783

12/16/2013	 Petition for Writ of Habeas Corpus <i>Court's Jurisdiction Invoked Pursuant (but not limited) to NRS 34.500 et. seq. Petition for Writ of Habeas Corpus (Post Conviction) (Appointment of Counsel and Evidentiary Hearing Requested.) Newly Discovered Evidence</i>
12/24/2013	 Order for Petition for Writ of Habeas Corpus
01/02/2014	 Response Filed by: Plaintiff State of Nevada <i>State's Response to Defendant's Motion to Correct Illegal Sentence and Motion to Extend Prison Copy Work Limit.</i>
01/13/2014	 Motion Filed By: Defendant Hermanski, Gregory S <i>Motion to Extend Prison Copy Work Limit</i>
01/13/2014	 Amended Petition Filed By: Defendant Hermanski, Gregory S <i>"First Amended" Petition for Writ of Habeas Corpus (Post Conviction) (Evidentiary Hearing and Appointment of Counsel Requested) (Based on Recently Available Constitutional Law) and "Newly Discovered Evidence").</i>
01/17/2014	 Statement Filed by: Defendant Hermanski, Gregory S <i>Petitioner's Statement of Cause for Delay</i>
01/24/2014	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Pro Se Motion to Extend Prison Copy Work Limit and Defendant's Pro Se Motion to Correct Illegal Sentence</i>
01/30/2014	 Opposition to Motion Filed By: Defendant Hermanski, Gregory S <i>Opposition to Motion to Extend Prison Copywork Limit</i>
01/31/2014	 Response Filed by: Plaintiff State of Nevada <i>State's Response and Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus and "First Amended" Petition for Writ of Habeas Corpus</i>
02/04/2014	 Notice of Appeal (Criminal) Party: Defendant Hermanski, Gregory S <i>Notice of Appeal</i>
02/04/2014	 Designation of Record on Appeal Filed By: Defendant Hermanski, Gregory S
02/04/2014	 Motion Filed By: Defendant Hermanski, Gregory S <i>Renewed Motion to Extend Prison Copy-Work Limit</i>
02/05/2014	 Case Appeal Statement Filed By: Defendant Hermanski, Gregory S















CASE SUMMARY

CASE NO. 00C167783

02/05/2014	 Motion to Reconsider Filed By: Defendant Hermanski, Gregory S <i>Motion for Reconsideration</i>
02/05/2014	 Notice of Motion Filed By: Defendant Hermanski, Gregory S
02/11/2014	 Objection Filed By: Defendant Hermanski, Gregory S <i>Petitioner's Objection and Motion to Strike Respondent's Opposition to Motion to Extend Prison Copy-Work Limit</i>
02/18/2014	 Notice Filed By: Defendant Hermanski, Gregory S <i>Judicial Notice</i>
02/19/2014	 Opposition Filed By: Defendant Hermanski, Gregory S <i>"Petitioner's Opposition to 'State's Response and Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus and First Amended Petition for Writ of Habeas Corpus'."</i>
02/20/2014	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion for Reconsideration</i>
02/21/2014	 Response Filed by: Plaintiff State of Nevada <i>State's Response to New Claims Raised in Defendant's Reply to the State's Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>
02/21/2014	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>Opposition to Renewed Motion to Extend Prison Copywork Limit</i>
02/25/2014	 Notice of Motion Filed By: Defendant Hermanski, Gregory S <i>Notice of Motion and Motion to Vacate Habitual Felon Adjudication and Sentence</i>
03/12/2014	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion to Vacate Habitual Offender Adjudication and Sentence</i>
03/24/2014	 Response Filed by: Defendant Hermanski, Gregory S <i>Defendant's Response to State's Opposition to Defendant's Motion to Vacate Habitual Felon Adjudication and Sentence</i>
03/24/2014	 Notice of Appeal (Criminal) Party: Defendant Hermanski, Gregory S <i>Notice of Appeal</i>
03/24/2014	 Designation of Record on Appeal Filed By: Defendant Hermanski, Gregory S



CASE SUMMARY

CASE NO. 00C167783

03/27/2014	 Case Appeal Statement Filed By: Defendant Hermanski, Gregory S
03/31/2014	 Criminal Order to Statistically Close Case
03/31/2014	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Motion to Vacate Habitual Felon Adjudication and Sentence</i>
04/01/2014	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff State of Nevada
04/04/2014	 Notice of Appeal (Criminal) Party: Defendant Hermanski, Gregory S <i>Notice of Appeal</i>
04/04/2014	 Designation of Record on Appeal Filed By: Defendant Hermanski, Gregory S
04/07/2014	 Notice of Entry Filed By: Plaintiff State of Nevada <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
04/07/2014	 Case Appeal Statement Filed By: Defendant Hermanski, Gregory S
04/08/2014	 Notice of Motion Filed By: Defendant Hermanski, Gregory S <i>Notice of Motion and Motion for Leave to File Motion for Reconsideration</i>
04/08/2014	 Motion Filed By: Defendant Hermanski, Gregory S <i>Motion for Leave to File Motion for Reconsideration</i>
04/08/2014	 Notice of Motion Filed By: Defendant Hermanski, Gregory S <i>Notice of Motion and Motion for Reconsideration</i>
04/08/2014	 Motion to Reconsider Filed By: Defendant Hermanski, Gregory S <i>Motion for Reconsideration</i>
04/10/2014	 Order Denying Motion Filed By: Defendant Hermanski, Gregory S <i>Order Denying Motion to Extend Copywork Limit</i>
04/24/2014	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion for Reconsideration and Countermotion for Determination of Vexatious Litigation and Request for Order to Show Cause Why the Court Should Not Issue a Pre-Filing Injunction Order</i>
















CASE SUMMARY

CASE NO. 00C167783

05/06/2014	 Notice of Appeal (Criminal) Party: Defendant Hermanski, Gregory S <i>Notice of Appeal</i>
05/06/2014	 Designation of Record on Appeal Filed By: Defendant Hermanski, Gregory S
05/07/2014	 Case Appeal Statement Filed By: Defendant Hermanski, Gregory S
05/12/2014	 Response Filed by: Defendant Hermanski, Gregory S <i>"Defendant's Response to State's Opposition to Defendant's Motion for Reconsideration and Countermotion for Determination of Vexatious Litigation and Request for Order to Show Cause Why the Court Should Not Issue a Pre-Filing Injunction Order"</i>
05/13/2014	 Notice of Appeal (Criminal) Party: Defendant Hermanski, Gregory S <i>Notice of Appeal</i>
05/13/2014	 Case Appeal Statement Filed By: Defendant Hermanski, Gregory S
06/02/2014	 Order Denying Filed By: Plaintiff State of Nevada <i>Order Denying Countermotion for Determination of Vexatious Litigation and Request for Order to Show Cause Why the Court Should Not Issue a Pre-Filing Injunction Order</i>
06/02/2014	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Motion for Reconsideration and Order Denying Defendant's Motion for Leave to File Motion for Reconsideration</i>
07/15/2014	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>
07/16/2014	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
12/17/2014	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed; Rehearing Granted, Appeal Reinstated; Affirmed</i>
02/27/2015	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Rehearing Denied</i>
03/13/2015	 Petition for Writ of Habeas Corpus Filed by: Defendant Hermanski, Gregory S <i>Petition for Writ of Habeas Corpus (Post Conviction) (Evidentiary Hearing and Appointment of Counsel Requested). Newly Discovered Evidence</i>
03/13/2015	 Motion for Leave to Proceed in Forma Pauperis Filed By: Defendant Hermanski, Gregory S <i>Motion for Leave to Proceed in Forma Pauperis (Confidential)</i>

CASE SUMMARY

CASE NO. 00C167783

03/13/2015	 Affidavit in Support of Application Proceed Forma Pauperis Filed By: Defendant Hermanski, Gregory S <i>Affidavit in Support of Request to Proceed In Forma Pauperis (Confidential)</i>
03/23/2015	 Order for Petition for Writ of Habeas Corpus
03/23/2015	 Notice of Hearing
03/23/2015	 Amended Petition Filed By: Defendant Hermanski, Gregory S <i>(Amended) Petition for Writ of Habeas Corpus (Post Conviction) (Evidentiary Hearing and Appointment of Counsel Requested) Newly Discovered Evidence</i>
04/07/2015	 Motion Filed By: Defendant Hermanski, Gregory S <i>Motion for Prisoner Transportation Order (Oral Argument Requested)</i>
04/07/2015	 Notice of Motion Filed By: Defendant Hermanski, Gregory S
04/07/2015	 Affidavit Filed By: Defendant Hermanski, Gregory S <i>Affidavit of Defendant</i>
05/22/2015	 Response Filed by: Plaintiff State of Nevada <i>State's Response and Motion to Dismiss to Defendant's Post-Conviction Petition for Writ of Habeas Corpus and Amended Post-Conviction Petition for Writ of Habeas Corpus</i>
06/15/2015	 Reply Filed by: Defendant Hermanski, Gregory S <i>Defendant's Reply to State's Response and Motion to Dismiss Defendant's Post-Conviction Habeas Petition and Request for Order Requiring Production of Documents</i>
07/06/2015	 Designation of Record on Appeal Filed By: Defendant Hermanski, Gregory S
07/06/2015	 Notice of Appeal (Criminal) Party: Defendant Hermanski, Gregory S <i>"Notice of Appeal"</i>
07/06/2015	 Case Appeal Statement Filed By: Defendant Hermanski, Gregory S
07/30/2015	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff State of Nevada
08/04/2015	 Notice of Entry Filed By: Plaintiff State of Nevada <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
01/28/2016	 NV Supreme Court Clerks Certificate/Judgment - Affirmed

CASE SUMMARY

CASE NO. 00C167783

Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed

04/29/2019	Administrative Reassignment - Judicial Officer Change <i>To Judge Jacqueline M. Bluth</i>
10/22/2019	 Motion Filed By: Defendant Hermanski, Gregory S <i>Motion to Correct Judgment of Conviction</i>
10/22/2019	 Notice of Motion Filed By: Defendant Hermanski, Gregory S <i>Notice of Motion and Motion to Correct Judgment of Conviction</i>
11/06/2019	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion to Correct Judgment of Conviction</i>
11/07/2019	 Supplemental Filed by: Defendant Hermanski, Gregory S <i>Supplemental Motion to Correct Judgment of Conviction</i>
11/07/2019	 Notice of Motion Filed By: Defendant Hermanski, Gregory S <i>Notice of Motion and Supplemental Motion to Correct Judgment of Conviction</i>
11/18/2019	 Motion Filed By: Defendant Hermanski, Gregory S <i>Motion for Enlargement of Time</i>
11/18/2019	 Notice of Motion Filed By: Defendant Hermanski, Gregory S <i>Notice of Motion and Motion for Enlargement of Time</i>
11/21/2019	 Response Filed by: Defendant Hermanski, Gregory S <i>Defendant's Response to State's Opposition to Defendant's Motion to Correct Judgment of Conviction</i>
12/10/2019	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Motion to Correct Judgment of Conviction</i>
12/19/2019	 Notice of Appeal (Criminal) <i>Notice of Appeal</i>
12/19/2019	 Designation of Record on Appeal
12/20/2019	 Case Appeal Statement Filed By: Defendant Hermanski, Gregory S
01/07/2020	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Motion for Enlargement of Time</i>

CASE SUMMARY

CASE NO. 00C167783

01/27/2020	 Notice of Appeal (Criminal) <i>Notice of Appeal</i>
01/27/2020	 Designation of Record on Appeal <i>Designation of Record on Appeal</i>
01/29/2020	 Case Appeal Statement Filed By: Defendant Hermanski, Gregory S <i>Case Appeal Statement</i>
09/10/2020	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
12/02/2020	 Motion to Correct Clerical Mistake Filed By: Defendant Hermanski, Gregory S
12/02/2020	 Notice of Motion Filed By: Defendant Hermanski, Gregory S
12/30/2020	 Motion Filed By: Defendant Hermanski, Gregory S <i>Motion for Leave to File Supplemental Brief in Support of Motion to Correct Clerical Mistakes Pursuant to NRS 176.565</i>
12/30/2020	 Notice of Motion Filed By: Defendant Hermanski, Gregory S <i>Notice of Motion and Motion for Leave to File Supplemental Brief in Support of Motion to Correct Clerical Mistakes Pursuant to NRS 176.565</i>
12/30/2020	 Affidavit in Support Filed By: Defendant Hermanski, Gregory S <i>Affidavit in Support of Motion for Leave to File Supplemental Brief in Support of Motion to Correct Clerical Mistakes Pursuant to NRS 176.565</i>
12/30/2020	 Supplemental Brief Filed By: Defendant Hermanski, Gregory S <i>Defendant's Supplemental Brief in Support of Motion to Correct Clerical Mistakes Pursuant to NRS 176.565</i>
02/11/2021	 Motion to Correct Sentence Filed by: Defendant Hermanski, Gregory S <i>Motion to Correct an Illegal Sentence</i>
02/11/2021	 Notice of Motion Filed By: Defendant Hermanski, Gregory S
03/02/2021	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion to Correct Clerical Mistakes (NRS 176.565), Supplemental Brief in Support of Motion to Correct Clerical Mistakes Pursuant to NRS 176.565 and Motion to Correct an Illegal Sentence (NRS 176.555)</i>
05/13/2021	 Notice of Appeal (Criminal) <i>Notice of Appeal</i>

CASE SUMMARY

CASE NO. 00C167783

05/14/2021



Case Appeal Statement

Filed By: Defendant Hermanski, Gregory S

Case Appeal Statement

DISPOSITIONS

01/01/1900

Plea (Judicial Officer: User, Conversion)

1. ROBBERY WITH USE OF A DEADLY WEAPON

Not Guilty

PCN: Sequence:

01/01/1900

Plea (Judicial Officer: User, Conversion)

2. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

Not Guilty

PCN: Sequence:

04/30/2003

Disposition (Judicial Officer: User, Conversion)

1. ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

04/30/2003

Disposition (Judicial Officer: User, Conversion)

04/30/2003

Disposition (Judicial Officer: User, Conversion)

2. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

Guilty

PCN: Sequence:

04/30/2003

Disposition (Judicial Officer: User, Conversion)

04/30/2003

Adult Adjudication (Judicial Officer: User, Conversion)

1. ROBBERY WITH USE OF A DEADLY WEAPON

01/01/1900 (F) 200.380*165 (200.380-165)

PCN: Sequence:

Converted Disposition:

Sentence# 0001: LAKES CROSSING

Converted Disposition:

Sentence# 0002:

Minimum 120 Months to Maximum 300 Months

Placement: NSP

Converted Disposition:

Sentence# 0003: CREDIT FOR TIME SERVED

Minimum 382 Days to Maximum 382 Days

Converted Disposition:

Sentence# 0004: DNA FEE/GENETIC MARKERS ANALYSIS

Amount: \$250.00

Converted Disposition:

Sentence# 0005: ADMINISTRATION FEE

Amount: \$25.00

Converted Disposition:

Sentence# 0006: DEFENDANT RE-SENTENCED

Converted Disposition:

Sentence# 0007: LIFE WITHOUT POSSIBILITY OF PAROLE

Converted Disposition:

Sentence# 0008: DNA FEE/GENETIC MARKERS ANALYSIS

Amount: \$150.00

Converted Disposition:

CASE SUMMARY

CASE No. 00C167783

Sentence# 0009: ADMINISTRATION FEE
Amount: \$25.00
Comment (Deft Sentenced as to Habitual Criminal Statute.)

04/30/2003

Adult Adjudication (Judicial Officer: User, Conversion)
2. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON
01/01/1900 (F) 205.060*165 (205.060-165)
PCN: Sequence:

Converted Disposition:
Sentence# 0001: LIFE WITHOUT POSSIBILITY OF PAROLE
Cons/Conc: Concurrent
w/Charge Item: 0001
and Sentence#: 0001

HEARINGS

06/13/2000

Initial Arraignment (9:00 AM)
*INITIAL ARRAIGNMENT Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: TINA SMITH
Heard By: Kathy Hardcastle
Matter Heard; INITIAL ARRAIGNMENT Relief Clerk: BILLIE JO CRAIG
Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle
Journal Entry Details:
Ms. Roundtree advised there were two incompetent reports and submitted the second report
from Dr. Paglini. Pursuant to NRS 178.425, COURT ORDERED, defendant REMANDED to
the custody of the Administrator of the Mental Hygiene and Mental Retardation Division for
the Department of Human Resources for detention and treatment at a secure facility operated
by the Mental Hygiene and Mental Retardation Division. L.C. ;*

10/04/2000

Status Check (9:00 AM)
*COURT ADMINISTRATIONS' REQUEST FOR STATUS CHECK Relief Clerk: BILLIE JO
CRAIG Reporter/Recorder: TINA SMITH Heard By: Hardcastle, Kathy
Matter Continued; COURT ADMINISTRATIONS' REQUEST FOR STATUS CHECK Relief
Clerk: BILLIE JO CRAIG Reporter/Recorder: TINA SMITH Heard By: Hardcastle, Kathy
Journal Entry Details:
FINDINGS (OF COMPETENCY) AND ORDER TO TRANSPORT SIGNED AND FILED IN
OPEN COURT. Court noted it received the reports. COURT ORDERED, matter
CONTINUED for defendant to be present. L.C. ;*

10/25/2000

Status Check (9:00 AM)
*COURT ADMINISTRATIONS' REQUEST FOR STATUS CHECK Court Clerk: DOROTHY
KELLY Reporter/Recorder: TINA SMITH Heard By: Hardcastle, Kathy
Matter Continued; COURT ADMINISTRATIONS' REQUEST FOR STATUS CHECK Court
Clerk: DOROTHY KELLY Reporter/Recorder: TINA SMITH Heard By: Hardcastle, Kathy
Journal Entry Details:
COURT ORDERED, matter CONTINUED for deft's presence. Court instructed counsel to call
Lakes Crossing. L.C. COURT'S ADMINISTRATION'S REQUEST FOR STATUS CHECK ;*


11/08/2000

Status Check (9:00 AM)
*COURT ADMINISTRATIONS' REQUEST FOR STATUS CHECK Court Clerk: DOROTHY
KELLY Reporter/Recorder: TINA SMITH Heard By: Hardcastle, Kathy
Matter Continued; COURT ADMINISTRATIONS' REQUEST FOR STATUS CHECK Court
Clerk: DOROTHY KELLY Reporter/Recorder: TINA SMITH Heard By: Hardcastle, Kathy
Journal Entry Details:
Deft not transported; therefore, COURT ORDERED, matter CONTINUED. L.C. COURT
ADMINISTRATION'S REQUEST FOR STATUS CHECK ;*

11/14/2000

Status Check (9:00 AM)
*COURT ADMINISTRATIONS' REQUEST FOR STATUS CHECK Relief Clerk: BILLIE JO
CRAIG Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle
Remanded; COURT ADMINISTRATIONS' REQUEST FOR STATUS CHECK Relief Clerk:
BILLIE JO CRAIG Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle
Journal Entry Details:*

CASE SUMMARY**CASE No. 00C167783**

	<p><i>Court noted defendant competent. COURT ORDERED, matter REMANDED TO JUSTICE COURT to start over with a Preliminary Hearing on charges. CUSTODY 11/20/00 8:00 AM REMANDED TO JUSTICE COURT, DEPT. 1 ;</i></p>
12/11/2000	<p>Initial Arraignment (9:00 AM) <i>INITIAL ARRAIGNMENT Relief Clerk: GREER JENNISON Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle</i> Matter Heard; INITIAL ARRAIGNMENT Relief Clerk: GREER JENNISON Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle Journal Entry Details: <i>DEFENDANT DAY ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial. CUSTODY 2/21/01 9:00 AM CALENDAR CALL - DEPT. IV 2/26/01 10:30 AM JURY TRIAL - DEPT. IV ;</i></p>
02/21/2001	<p>Calendar Call (9:00 AM) <i>CALENDAR CALL Court Clerk: DOROTHY KELLY Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle</i> Matter Heard; CALENDAR CALL Court Clerk: DOROTHY KELLY Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle Journal Entry Details: <i>AMENDED INFORMATION, MOTION TO AMEND INFORMATION FILED IN OPEN COURT. ORDER TO AMEND INFORMATION SIGNED AND FILED IN OPEN COURT. Ms. Khamsi stated Ms. Dickson informed her she is ready to proceed to trial; she requested a start date of next Tuesday or later. Ms. Campbell stated this is Mr. Fattig's case; trial should take two days with four to six witnesses. COURT ORDERED, matter CONTINUED for trial order. CUSTODY 02-23-01 9:00 A.M. STATUS CHECK: FINAL TRIAL ORDER ;</i></p>
02/23/2001	<p>Status Check (9:00 AM) <i>STATUS CHECK: FINAL TRIAL ORDER Court Clerk: DOROTHY KELLY Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle</i> Matter Heard; STATUS CHECK: FINAL TRIAL ORDER Court Clerk: DOROTHY KELLY Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle Journal Entry Details: <i>State announced ready for trial. Due to Court's schedule (murder trial), COURT ORDERED, trial date VACATED and RESET. CUSTODY 02-28-01 9:00 A.M. CALENDAR CALL 03-12-01 10:30 A.M. TRIAL BY JURY ;</i></p>
02/26/2001	<p>CANCELED Jury Trial (10:30 AM) <i>Vacated</i></p>
02/28/2001	<p>Calendar Call (9:00 AM) <i>CALENDAR CALL Court Clerk: DOROTHY KELLY Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle</i> Matter Heard; CALENDAR CALL Court Clerk: DOROTHY KELLY Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle Journal Entry Details: <i>Both sides announced ready for a one-and-one-half day trial. COURT ORDERED, Trial Date Stands, Deft's Motion to Dismiss Information to be heard before trial. CUSTODY 03-12-01 10:30 A.M. TRIAL BY JURY...DEFT'S MOTION TO DISMISS INFORMATION ;</i></p>
03/05/2001	<p>Motion to Dismiss (9:00 AM) Events: 02/22/2001 Motion to Dismiss <i>DEFT'S MOTION TO DISMISS INFORMATION Heard By: Kathy Hardcastle</i></p> <p>MINUTES</p> <p> Motion to Dismiss <i>Motion to Dismiss Information</i> Matter Continued; DEFT'S MOTION TO DISMISS INFORMATION Heard By: Kathy Hardcastle</p>
03/12/2001	<p>Motion to Dismiss (9:00 AM) <i>DEFT'S MOTION TO DISMISS INFORMATION Heard By: Kathy Hardcastle</i></p>

CASE SUMMARY

CASE NO. 00C167783

03/12/2001	<p>All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS FOR 3/12/01 Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: LIZ GARCIA Heard By: Kathy Hardcastle</i> Matter Heard; ALL PENDING MOTIONS FOR 3/12/01 Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: LIZ GARCIA Heard By: Kathy Hardcastle Journal Entry Details: <i>DEFT'S MOTION TO DISMISS INFORMATION...JURY TRIAL Court noted there was no legal basis to dismiss Information. A Supplemental Motion submitted to the Court. COURT ORDERED, Motion to Dismiss for Failure to Preserve Evidence is DENIED. Upon Court's inquiry, Ms. Dickson advised there were negotiations pending the outcome of this Motion. Mr. Hehn advised there was a Guilty Plea Agreement and a Second Amended Information in the file. Ms. Dickson requested matter trail to talk with defendant. COURT ORDERED, matter to TRAIL. RECALLED. Ms. Dickson requested additional time for defendant to make a decision. COURT ORDERED, matter to TRAIL until 1:30 PM today. RECALLED. Ms. Dickson advised defendant not arraigned on the Amended Information which included the habitual status. Also, there was a question as to the Amended Information indicating in Count II as Burglary while in Possession of a Firearm in the summary even though it was a knife. COURT ORDERED, the Amended Information AMENDED BY INTERLINEATION to indicate in the summary BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). Arguments regarding defendant taking stand and what prior convictions will be used. COURT ORDERED, this Motion and the Supplemental Motion DENIED as there is no legal basis and the Certified JOC of 1984 can be used and others if certified and the State is prepared to present evidence. Ms. Dickson objected. COURT ORDERED, Trial CONTINUED to next day. CUSTODY 3/13/01 10:30 AM JURY TRIAL ;</i></p>
03/12/2001	<p>Jury Trial (10:30 AM) <i>TRIAL BY JURY Heard By: Kathy Hardcastle</i></p>
03/13/2001	<p>Jury Trial (10:30 AM) <i>TRIAL BY JURY Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: LIZ GARCIA Heard By: Hardcastle, Kathy</i> Matter Continued; TRIAL BY JURY Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: LIZ GARCIA Heard By: Hardcastle, Kathy Journal Entry Details: <i>At 11:09 AM, the Jury Panel, counsel and defendant present. At 11:09 AM, Mr. Fattig made his introduction. At 11:10 AM, Ms. Dickson made her introduction. Voir dire oath given at 2:14 PM. Alternate sworn to try the case at 2:16 PM. The Clerk read the Amended Information to the Jury at 2:20 PM. Opening statements by Mr. Fattig. Opening statements by Ms. Dickson. Witnesses sworn and and testified. Exhibits (see Worksheets). COURT ORDERED, EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY, the Court advised defendant of his right to testify on his own behalf. Defendant stated he understood. Colloquy regarding remaining witnesses and additional certified copies of convictions. At 5:10 PM, Court recessed for the evening. CUSTODY ;</i></p>
03/14/2001	<p>Jury Trial (10:30 AM) <i>TRIAL BY JURY Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: LIZ GARCIA Heard By: Hardcastle, Kathy</i> Matter Continued; TRIAL BY JURY Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: LIZ GARCIA Heard By: Hardcastle, Kathy Journal Entry Details: <i>Jury Instructions settled in Open Court. Counsel stipulated to the presence of the Jury at 10:40 AM. Witnesses sworn and testified. (See Worksheets.) Exhibits (see Worksheets). At 11:54 AM, the State rests. COURT ORDERED, NOON RECESS. At 1:32 PM, counsel stipulated to the presence of the Jury. Testimony continues. At 2:13 PM, defense rests. The Court instructed the Jury on the laws which applied to the case. Closing arguments by Mr. Fattig at 2:27 PM. Closing arguments by Ms. Dickson at 3:16 PM. Rebuttal argument by Mr. Fattig at 3:38 PM. Bailiff sworn to take charge of the Jury at 3:49 PM. Bailiff sworn to take charge of the Alternate at 3:49 PM. OUTSIDE THE PRESENCE OF THE JURY, Ms. Dickson objected to the hearsay statements by the trucker as inadmissible hearsay, detective failed to look for defendant's shirt, and offer to truck driver of \$100.00 to take defendant to New Orleans. Court stated its findings. COURT ORDERED, objection OVERRULED. COURT ORDERED, EVENING RECESS. CUSTODY ;</i></p>
03/15/2001	<p>Jury Trial (10:30 AM) <i>TRIAL BY JURY Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: LIZ GARCIA Heard By:</i></p>

CASE SUMMARY

CASE No. 00C167783

Kathy Hardcastle

Matter Heard; TRIAL BY JURY Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: LIZ GARCIA Heard By: Kathy Hardcastle

Journal Entry Details:

At the hour of 2:08 PM, the Jury returned with a verdict finding Defendant Day GUILTY OF COUNT I - ROBBERY WITH USE OF A DEADLY WEAPON (F) AND COUNT II - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). The Court thanked and excused the Jurors. The State will file for habitual offender treatment. COURT ORDERED, matter referred to P&P for a PSI and SET for Sentencing. CUSTODY 5/2/01 9:00 AM SENTENCING ;

03/26/2001

Motion to Amend Information (9:00 AM)

Events: 03/20/2001 Motion

STATE'S MOTION TO AMEND INFORMATION Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle

Granted; STATE'S MOTION TO AMEND INFORMATION Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle

Journal Entry Details:

COURT ORDERED, State's Motion to Amend Information is GRANTED. Ms. Dickson objected. ORDER TO AMEND INFORMATION AND SECOND AMENDED INFORMATION SIGNED AND FILED IN OPEN COURT. CUSTODY ;

05/02/2001

Sentencing (9:00 AM)

SENTENCING Court Clerk: DOROTHY KELLY Relief Clerk: KEITH REED/kar Reporter/Recorder: TINA SMITH Heard By: Hardcastle, Kathy

Matter Continued; SENTENCING Court Clerk: DOROTHY KELLY Relief Clerk: KEITH REED/kar Reporter/Recorder: TINA SMITH Heard By: Hardcastle, Kathy

Journal Entry Details:

Joy Mundy-Neal of Parole and Probation present. Court noted the Defendant refused to be interviewed for the Pre-Sentence Investigation Report (PSI). Ms. Dickson stated P & P requested the Deft. not make a statement due to his contention he is not guilty of the charges. DEFENDANT DAY ADJUDGED GUILTY of of COUNT I, ROBBERY WITH USE OF A DEADLY WEAPON (F) and COUNT II, BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). COURT ORDERED, matter CONTINUED to review a certified copy of the Judgment of Conviction. CUSTODY ;

05/09/2001

Sentencing (9:00 AM)

SENTENCING Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle

Matter Continued; SENTENCING Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle

Journal Entry Details:

Brenda Lewis of the Dept. of P & P present. Ms. Dickson inquired if the Court received the Supplemental PSI. Arguments by counsel regarding habitual treatment. COURT ADJUDGED DEFENDANT DAY GUILTY OF COUNT I - ROBBERY WITH USE OF A DEADLY WEAPON (F) AND CT. II - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). Parties argued and submitted. Exhibits (see worksheet). COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee and \$250.00 DNA Analysis Fee and defendant to submit to a blood and/or saliva test to determine genetic markers or secretor status, Defendant ADJUDGED an HABITUAL OFFENDER. Defendant SENTENCED to a MAXIMUM of THREE HUNDRED (300) MONTHS and a MINIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Prisons, with THREE HUNDRED EIGHT-TWO (382) DAYS Credit For Time Served. RECALLED LATER. Mr. Fattig request defendant be sentenced in CT. II. The Court advised when a defendant is adjudged an habitual offender, sentence applies to both counts. NDP ;

02/06/2002

Request of Court (9:00 AM)

AT THE REQUEST OF THE COURT CLARIFICATN SENTENCE/SUPREME CT VR 2/7 Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Hardcastle, Kathy

Matter Continued; AT THE REQUEST OF THE COURT CLARIFICATN SENTENCE/SUPREME CT VR 2/7 Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Hardcastle, Kathy

Journal Entry Details:

Ms. Dickson stated the Deft. has not been transported. She further stated there is a motion for

CASE SUMMARY

CASE No. 00C167783

reconsideration in the Supreme Court. Court stated it has a remittitur. COURT ORDERED, matter CONTINUED; a Writ has to be prepared to have Deft. transported. NDC AT REQUEST OF COURT: CLARIFICATION OF SENTENCE PER SUPREME COURT ORDER ;

02/27/2002

Request of Court (9:00 AM)

AT THE REQUEST OF THE COURT CLARIFICATION SENTENCE/SUPREME CT VR 2/7

06/26/2002

Request (9:00 AM)

DEFT'S REQUEST RESENTENCING PURSUANT TO ORDER OF SUPREME COURT /14 Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Hardcastle, Kathy Matter Continued; DEFT'S REQUEST RESENTENCING PURSUANT TO ORDER OF SUPREME COURT /14 Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Hardcastle, Kathy

Journal Entry Details:

Court stated an Order to Transport Deft. has to be prepared. State advised it will prepare the Order. COURT ORDERED, matter CONTINUED. NDC DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER ;

07/24/2002

Request (9:00 AM)

DEFT'S REQUEST RESENTENCING PURSUANT TO ORDER OF SUPREME COURT /14 Heard By: Kathy Hardcastle

07/24/2002

Motion for New Trial (9:00 AM)

Events: 07/19/2002 Motion for New Trial

DEFT'S MOTION FOR A NEW TRIAL /15 Heard By: Kathy Hardcastle

07/24/2002

Motion to Vacate (9:00 AM)

Events: 07/19/2002 Motion to Vacate

DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL /16 Heard By: Kathy Hardcastle

07/25/2002

All Pending Motions (9:00 AM)

ALL PENDING MOTIONS 07-25-02 Court Clerk: Dorothy Kelly Reporter/Recorder: Debra Van Blaricom Heard By: Kathy Hardcastle

Matter Heard; ALL PENDING MOTIONS 07-25-02 Court Clerk: Dorothy Kelly Reporter/Recorder: Debra Van Blaricom Heard By: Kathy Hardcastle

Journal Entry Details:

DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER Ms. Dickson stated this was remanded from the Supreme Court for sentencing. She further stated she obtained information that records are not Mr. Day's records; fingerprints attached to a document do not match the Deft.'s. She requested the sentencing be vacated. State requested time to respond. COURT ORDERED, matter CONTINUED. Court advised Ms. Dickson the Deft. does not have to be present for the next Court date. Ms. Dickson responded the Deft. wants to be present. Court directed the State to prepare an Order to Transport Deft. to all proceedings. NDC 08-14-02 9:00 A.M. (MOTIONS AND REQUEST AS REFLECTED ABOVE) ;

08/14/2002

Request (9:00 AM)

DEFT'S REQUEST RESENTENCING PURSUANT TO ORDER OF SUPREME COURT /14 Heard By: Kathy Hardcastle

08/14/2002

Motion for New Trial (9:00 AM)

DEFT'S MOTION FOR A NEW TRIAL /15 Heard By: Kathy Hardcastle

08/14/2002

Motion to Vacate (9:00 AM)

DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL /16 Heard By: Kathy Hardcastle

08/14/2002

Request of Court (9:00 AM)

AT THE REQUEST OF THE COURT/TRANSCRIPT OF VOIR DIRE/18 Heard By: Kathy Hardcastle

CASE SUMMARY

CASE No. 00C167783

08/14/2002	<p>All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 08-14-02 Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle</i></p> <p>MINUTES Matter Heard; ALL PENDING MOTIONS 08-14-02 Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle Journal Entry Details: <i>DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST FOR TRANSCRIPT OF VOIR DIRE Mr. Schubert requested a continuance as Deputy District Attorney, Scott Mitchell, is on vacation; COURT, SO ORDERED. NDC 08-28-02 9:00 A.M. MOTIONS AND REQUESTS AS REFLECTED ABOVE ;</i></p>
08/28/2002	<p>Request (9:00 AM) <i>DEFT'S REQUEST RESENTENCING PURSUANT TO ORDER OF SUPREME COURT /14 Heard By: Kathy Hardcastle</i></p>
08/28/2002	<p>Motion for New Trial (9:00 AM) <i>DEFT'S MOTION FOR A NEW TRIAL /15 Heard By: Kathy Hardcastle</i></p>
08/28/2002	<p>Motion to Vacate (9:00 AM) <i>DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL /16 Heard By: Kathy Hardcastle</i></p>
08/28/2002	<p>Request of Court (9:00 AM) <i>AT THE REQUEST OF THE COURT/TRANSCRIPT OF VOIR DIRE/18 Heard By: Kathy Hardcastle</i></p>
08/28/2002	<p>Status Check (9:00 AM) <i>STATUS CHECK: 08/28/02</i></p>
08/28/2002	<p>All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 8-28-02 Relief Clerk: Alan Castle Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle</i> Matter Heard; ALL PENDING MOTIONS 8-28-02 Relief Clerk: Alan Castle Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle Journal Entry Details: <i>DEFT'S MOTION FOR NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS A HABITUAL CRIMINAL...DEFT'S MOTION FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST OF VOIR DIRE Deft's motion to dismiss Count pursuant to habitual criminal statute, NRS 207.010 FILED IN OPEN COURT. Following colloquy regarding Deft's correct identity, COURT ORDERED, ALL MATTERS CONTINUED. FURTHER ORDERED, Deft. does not need remain here and is to be sent back to NDC. 10/2/02 9:00 AM DEFT'S MOTION FOR NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS A HABITUAL CRIMINAL...DEFT'S MOTION FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST OF VOIR DIRE...DEFT'S MOTION TO DISMISS COUNT PURSUANT TO HABITUAL CRIMINAL STATUTE, NRS 207.010 ;</i></p>
09/09/2002	<p>Motion (9:00 AM) Events: 08/30/2002 Motion for New Trial <i>DEFT'S MTN FOR A NEW TRIAL/21 Relief Clerk: Denise Husted Reporter/Recorder: Tina Smith Heard By: Hardcastle, Kathy</i> Matter Continued; DEFT'S MTN FOR A NEW TRIAL/21 Relief Clerk: Denise Husted Reporter/Recorder: Tina Smith Heard By: Hardcastle, Kathy Journal Entry Details: <i>COURT ORDERED, motion CONTINUED. NDC ;</i></p>
10/02/2002	<p>Request (9:00 AM) <i>DEFT'S REQUEST RESENTENCING PURSUANT TO ORDER OF SUPREME COURT /14</i></p>

CASE SUMMARY

CASE No. 00C167783

Heard By: Kathy Hardcastle

10/02/2002

Motion for New Trial (9:00 AM)

DEFT'S MOTION FOR A NEW TRIAL /15 Heard By: Kathy Hardcastle

10/02/2002

Motion to Vacate (9:00 AM)

DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL /16 Heard By: Kathy Hardcastle

10/02/2002

Request of Court (9:00 AM)

AT THE REQUEST OF THE COURT/TRANSCRIPT OF VOIR DIRE/18 Heard By: Kathy Hardcastle

10/02/2002

Motion (9:00 AM)

DEFT'S MTN FOR A NEW TRIAL/21 Heard By: Kathy Hardcastle

10/02/2002

Motion to Dismiss (9:00 AM)

Events: 08/28/2002 Motion to Dismiss

DEFT'S MOTION TO DISMISS PURSUANT TO HABITUAL CRIMINAL STATUTE, NRS 207.010 /23 Heard By: Kathy Hardcastle

10/02/2002

All Pending Motions (9:00 AM)

ALL PENDING MOTIONS 10-02-02 Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle

Matter Heard; ALL PENDING MOTIONS 10-02-02 Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle

Journal Entry Details:

DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST FOR TRANSCRIPT OF VOIR DIRE...DEFT'S MOTION TO DISMISS COUNT PURSUANT TO HABITUAL CRIMINAL STATUTE, NRS 207.010...DEFT'S MOTION FOR A NEW TRIAL State's Opposition to Defendant's Motion to Vacate Sentence as an Habitual Criminal and State's Opposition to Defendant's Motion for New Trial FILED IN OPEN COURT. COURT ORDERED, Judgment of Conviction to be AMENDED BY INTERLINEATION to reflect Deft. found guilty pursuant to Jury Verdict. Ms. Dickson stated she has new evidence whereby the Deft. happened upon Mr. Beck who submitted an affidavit stating he was working with the Deft. on the day in question. Mr. Mitchell stated that as to the Motion to Vacate Sentence as an Habitual Criminal, he concurs with the motion; the State wants to resentence Deft., since he was not the person he was sentenced under. He further stated the Deft. admitted he is not Robert James Day; he is Gregory Scott Hermanski and from running an FBI identity, he is a twelve-time convicted felon and has an outstanding warrant from North Carolina and felony convictions from Florida and a Federal conviction. Mr. Mitchell further stated that Robert Day is someone the Deft. met, and because the Deft. pulled identity fraud in Court, the State will file new charges for perjury and identity fraud. Mr. Mitchell requested a new sentencing date be set and requested time to obtain ID materials from the other jurisdictions; the Deft. has convictions from 1969. Court stated it will leave everything as is and ORDERED, matter CONTINUED sixty (60) days. Court instructed the State to obtain information and when it is responded to the Court will decide what to do. Mr. Mitchell stated he wants a new Pre-Sentence Report and wants to have the Deft. at the jail. Ms. Dickson stated the Deft. does not want to talk to the Division of Parole and Probation; the State had Deft's fingerprints from day one. NDC 12-04-02 9:00 A.M. MOTIONS AS REFLECTED ABOVE ;

12/04/2002

Request (9:00 AM)

DEFT'S REQUEST RESENTENCING PURSUANT TO ORDER OF SUPREME COURT /14 Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle

12/04/2002

Motion for New Trial (9:00 AM)

DEFT'S MOTION FOR A NEW TRIAL /15 Heard By: Kathy Hardcastle

12/04/2002

Motion to Vacate (9:00 AM)

DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL /16 Heard By: Kathy Hardcastle

CASE SUMMARY

CASE No. 00C167783

12/04/2002	<p>Request of Court (9:00 AM) <i>AT THE REQUEST OF THE COURT/TRANSCRIPT OF VOIR DIRE/18 Heard By: Kathy Hardcastle</i></p>
12/04/2002	<p>Motion (9:00 AM) <i>DEFT'S MTN FOR A NEW TRIAL/21 Relief Clerk: Denise Husted Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle</i></p>
12/04/2002	<p>Motion to Dismiss (9:00 AM) <i>DEFT'S MOTION TO DISMISS PURSUANT TO HABITUAL CRIMINAL STATUTE, NRS 207.010 /23 Heard By: Kathy Hardcastle</i></p>
12/04/2002	<p>All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 12-04-02 Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle</i> Matter Heard; ALL PENDING MOTIONS 12-04-02 Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle Journal Entry Details: <i>DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST FOR TRANSCRIPT OF VOIR DIRE...DEFT'S MOTION TO DISMISS COUNT PURSUANT TO HABITUAL CRIMINAL STATUTE, NRS 207.010...DEFT'S MOTION FOR A NEW TRIAL Objection FILED IN OPEN COURT. Ms. Dickson stated the Deft. wants to file a motion objecting to the proceedings. As to the Motion to Vacate Sentence, Mr. Mitchell stated all parties are in agreement Deft. is Gregory Hermanski; he was sentenced as Robert Day; sentencing should be vacated, a new sentencing date set and a new Pre-Sentence Report prepared. He further stated the Deft. has a record that requires this Court to sentence him as a violent habitual criminal; he has two bank robbery certifications and one is on the way. Mr. Mitchell stated the State is prepared to say the Deft. has eleven (11) felony convictions; he requested the prior opposition be withdrawn as the State has verified Mr. Hermanski is not Robert James Day. Court noted the Deft. lied to the Court. Ms. Dickson stated there has been another motion filed by the Deft. Court stated it does not recognize motions filed by the Defendant; they are to be presented to his attorney. Ms. Dickson stated the Motion for a New Trial was based on confirmation the Deft. had a parole violation at the time he ran from police; she requested the copy of documentation and the Birth Certificate be made part of the record...(Defendant's Exhibits A and B). Court stated the Deft. could have made that known to counsel; it is not new evidence. Ms. Dickson stated a witness, Mr. Beck, was located in prison. COURT ORDERED, Deft's Motion for New Trial is DENIED. As to Habitual Criminal Charges, Ms. Dickson stated that is a jury question. Court stated the Deft. has misrepresented who he is; his name is Gregory Scott Hermanski. Mr. Mitchell stated the Deft's FBI number is 888420G. COURT ORDERED, matter REFERRED to the Division of Parole and Probation for a new Pre-Sentence Report and set for sentencing. COURT FURTHER ORDERED, Deft's Motion to Vacate Sentence as an Habitual Criminal is GRANTED; Deft's Request for Re-Sentencing Pursuant to Supreme Court Order is MOOT; At the Request of Court: Address Request for Transcript of Voir Dire is OFF CALENDAR; Deft's Motion to Dismiss Count Pursuant to Habitual Criminal Statute NRS 207.010 is MOOT. Due to Defendant's outburst in Court, Court stated it will hear the motion set for December 16th, without him; Defendant IS NOT TO BE PRESENT IN COURT ON December 16TH. NDC 12-16-02 9:00 A.M. DEFT'S PRO PER MOTION TO DISMISS COUNSEL/APPOINT COUNSEL ;</i></p>
12/16/2002	<p>Motion to Dismiss (9:00 AM) Events: 12/03/2002 Motion to Dismiss Counsel <i>DEFT'S PRO PER MTN TO DISMISS CNSL/APPOINT CNSL/25 Relief Clerk: Denise Husted Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle</i> Granted; DEFT'S PRO PER MTN TO DISMISS CNSL/APPOINT CNSL/25 Relief Clerk: Denise Husted Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle Journal Entry Details: <i>Ms. Dickson advised the Court that the Defendant no longer wants her to represent him due to confusion regarding factual allegations of the Defendant's identity. COURT ORDERED, independent counsel is appointed to review the ineffective assistance of counsel claim; matter set for confirmation of counsel. NDC CLERK'S NOTE: Dept. IV Judicial Executive Assistant to notify appropriate counsel of Court date. 12/23/02 9:00 AM CONFIRMATION OF COUNSEL ;</i></p>

CASE SUMMARY

CASE No. 00C167783

12/23/2002	<p>Motion for Confirmation of Counsel (9:00 AM) <i>CONFIRMATION OF COUNSEL/WOMMER Relief Clerk: Denise Husted Reporter/Recorder: Tina Smith Heard By: Hardcastle, Kathy</i> Matter Continued; CONFIRMATION OF COUNSEL/WOMMER Relief Clerk: Denise Husted Reporter/Recorder: Tina Smith Heard By: Hardcastle, Kathy Journal Entry Details: <i>Ms. Dickson stated this matter is not at the post conviction stage yet, however there is a disagreement regarding factual allegations. Court directed Mr. Wommer to review the file prior to sentencing and matter CONTINUED to that date. Ms. Dickson stated she will give the file to Mr. Wommer. NDC ;</i></p>
01/22/2003	<p>Sentencing (9:00 AM) <i>SENTENCING</i></p>
01/22/2003	<p>Motion for Confirmation of Counsel (9:00 AM) <i>CONFIRMATION OF COUNSEL/WOMMER Heard By: Kathy Hardcastle</i></p>
01/22/2003	<p>All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 01-22-03 Court Clerk: Dorothy Kelly Heard By: Kathy Hardcastle</i> Matter Heard; ALL PENDING MOTIONS 01-22-03 Court Clerk: Dorothy Kelly Heard By: Kathy Hardcastle Journal Entry Details: <i>CONFIRMATION OF COUNSEL (WOMMER)...SENTENCING Carolyn Butts present for the Division of Parole and Probation (P&P). Ms. Dickson stated P&P is requesting a 30-day continuance; COURT, SO ORDERED. Court noted Mr. Wommer previously confirmed as counsel. NDC 02-26-03 9:00 A.M. SENTENCING ;</i></p>
02/26/2003	<p>Sentencing (9:00 AM) <i>SENTENCING Court Clerk: Carole D'Aloia Reporter/Recorder: Carrie Hansen Heard By: Hardcastle, Kathy</i> Matter Continued; SENTENCING Court Clerk: Carole D'Aloia Reporter/Recorder: Carrie Hansen Heard By: Hardcastle, Kathy Journal Entry Details: <i>Officer C. Butts of the Division of Parole and Probation (P&P) present. Mr. Wommer advised Defendant was not transported and matter will need to be continued. Mr. Wommer further advised that Court appointed him since Ms. Dickson had a conflict and Mr. Wommer CONFIRMED as counsel. COURT ORDERED, matter CONTINUED and instructed the State to prepare an Order to Transport. CUSTODY (COC) ;</i></p>
03/26/2003	<p>Sentencing (9:00 AM) <i>SENTENCING Court Clerk: Dorothy Kelly Heard By: Hardcastle, Kathy</i> Matter Continued; SENTENCING Court Clerk: Dorothy Kelly Heard By: Hardcastle, Kathy Journal Entry Details: <i>Carolyn Butts present for the Division of Parole and Probation. Mr. Wommer stated he substituted in as counsel for the Deft; he and the Deft. have been in contact. He further stated he has been in trial and has not been able to see the Deft. in the High Desert yet; the Deft. was not transported today. COURT ORDERED, matter CONTINUED; State to prepare an Order to Transport. NDC SENTENCING ;</i></p>
04/30/2003	<p>Sentencing (9:00 AM) <i>SENTENCING Court Clerk: Dorothy Kelly Reporter/Recorder: Carrie Hansen Heard By: Kathy Hardcastle</i> Matter Continued; SENTENCING Court Clerk: Dorothy Kelly Reporter/Recorder: Carrie Hansen Heard By: Kathy Hardcastle Journal Entry Details: <i>William Lizura present for the Division of Parole and Probation (P&P). DEFT. HERMANSKI ADJUDGED GUILTY OF CT. I ROBBERY WITH USE OF A DEADLY WEAPON (F) AND CT. II - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). Court heard argument as to Deft's Habitual Criminal status. Mr. Mitchell noted Defendant's prior felonies and stated that under the law, the maximum penalty has to be imposed; it is not discretionary. Mr. Wommer stated he substituted in as counsel for sentencing; Ms. Dickson represented the Deft. previously. Mr. Wommer read Defendant's statement in Court. Court directed Mr. Wommer to put the matters contained in Deft's statement in a motion. Mr. Mitchell provided Court with certified copies of Deft's Judgment of Convictions along with other paperwork</i></p>

CASE SUMMARY

CASE No. 00C167783

reflecting Deft's past convictions. DEFT. HERMANSKI ADJUDGED GUILTY AS A HABITUAL OFFENDER IN COUNTS I AND II. In addition to the \$25 Administrative Assessment Fee and \$150 DNA Fee, COURT ORDERED, Deft. SENTENCED in COUNT I to LIFE in the Nevada Department of Corrections WITHOUT the Possibility of Parole and in COUNT II to LIFE in the Nevada Department of Corrections WITHOUT the Possibility of Parole; Count II to run CONCURRENTLY with Count I with NO Credit for Time Served; Deft. to submit to a test to determine genetic markers. Court advised counsel he can file the appropriate motion as to credit for time served while Deft. serving Federal time. ;

05/12/2003

Request (9:00 AM)

DEFT'S REQUEST TO CLARIFY APPOINTMENT OF COUNSEL /31 Relief Clerk: Billie Jo Craig Reporter/Recorder: Carrie Hansen Heard By: Kathy Hardcastle
Matter Heard; DEFT'S REQUEST TO CLARIFY APPOINTMENT OF COUNSEL /31 Relief Clerk: Billie Jo Craig Reporter/Recorder: Carrie Hansen Heard By: Kathy Hardcastle
Journal Entry Details:
COURT ORDERED, defendant's PRESENCE WAIVED today. Ms. Dickson requested clarification of who represents defendant. Mr. Wommer advised he was appointed to represent defendant only for the ineffectiveness of counsel problem. Court noted it had appointed Mr. Wommer to represent defendant. NDC ;

01/31/2005

Motion to Withdraw as Counsel (9:00 AM)

Events: 01/14/2005 Motion to Withdraw As Counsel
DEFT'S PRO PER MTN TO WITHDRAW AS COUNSEL /32 Court Clerk: Alan Castle Reporter/Recorder: Loree Gallegos Heard By: Jennifer Togliatti
Granted; DEFT'S PRO PER MTN TO WITHDRAW AS COUNSEL /32 Court Clerk: Alan Castle Reporter/Recorder: Loree Gallegos Heard By: Jennifer Togliatti
Journal Entry Details:
Matter submitted. COURT ORDERED, petition GRANTED. By way of this minute order State to prepare the order and notify all interested parties. NDC ;

09/21/2005

Petition for Writ of Habeas Corpus (9:00 AM)

DEFT'S PTN FOR WRIT OF HABEAS CORPUS /33 Court Clerk: Alan Castle Reporter/Recorder: Kristen Lunkwitz Heard By: Togliatti, Jennifer
Matter Continued; DEFT'S PTN FOR WRIT OF HABEAS CORPUS /33 Court Clerk: Alan Castle Reporter/Recorder: Kristen Lunkwitz Heard By: Togliatti, Jennifer
Journal Entry Details:
At request of State, COURT ORDERED, matter CONTINUED. NDC ;

10/24/2005

Petition for Writ of Habeas Corpus (9:00 AM)

DEFT'S PTN FOR WRIT OF HABEAS CORPUS /33

10/24/2005

Motion (9:00 AM)

Events: 10/05/2005 Motion
DEFT'S PRO PER MOTION FOR PRISONER TRANSPORTATION ORDER /34 Heard By: Jennifer Togliatti

10/24/2005

All Pending Motions (9:00 AM)

ALL PENDING MOTIONS 10-24-05 Relief Clerk: Judy McFadden Reporter/Recorder: Kristen Lunkwitz Heard By: Jennifer Togliatti
Matter Heard; ALL PENDING MOTIONS 10-24-05 Relief Clerk: Judy McFadden Reporter/Recorder: Kristen Lunkwitz Heard By: Jennifer Togliatti
Journal Entry Details:
DEFT'S PRO PER MOTION FOR PRISONER TRANSPORTATION ORDER...DEFT'S PETITION FOR WRIT OF HABEAS CORPUS STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR PRISONER TRANSPORTATION FILED IN OPEN COURT. Deft. not present. Conference at Bench. Following Conference at Bench, Court informed it had explained to State and Ms. De La Garza regarding Court's time restraint regarding Deft's Petition for Writ of Habeas Corpus and that Court expects to begin medical leave in ten days that will last two months. Court stated it would need more time to prepare or have another Judge rule. COURT ORDERED, Motion for transport DENIED. Court stated regarding Petition for Writ, it must get up to speed on the case; ineffectual assistance of counsel is the 3rd ground for relief. FURTHER ORDERED, supplemental response from State; matter set for decision. Court directed State to supplement its Opposition to assist Court in addressing the 3rd ground. Court stated Deft. alleges habitual criminal and violent criminal statute did not enable him to

CASE SUMMARY

CASE No. 00C167783

challenge conviction. NDC 12/21/05 9:00 AM DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS/STATE'S SUPPLEMENT TO OPPOSITION ;

12/21/2005

Decision (9:00 AM)

DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS /36 Court Clerk: Alan Castle Reporter/Recorder: Kristen Lunkwitz Heard By: Brennan, James Matter Continued; DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS /36 Court Clerk: Alan Castle Reporter/Recorder: Kristen Lunkwitz Heard By: Brennan, James Journal Entry Details:

Upon State's inquiry regarding decision, Court stated the matter in on for decision, and Court has reviewed the petition and may have some questions. Ms. Dickson advised the Deft's motion to appear for oral argument was denied and Deft. has filed another motion regarding that denial. Further, Ms. Dickson represented the Deft. previously and notes the Deft. is well educated and articulate. Also, noted by Ms. Dickson is that the Deft's petition may have merit, but the Defendant himself would be the one to argue those merits. COURT FINDS the Court that previously denied the motion to appear for argument should hear the motion to reconsider and ORDERED, CONTINUED and set for hearing motion to reconsider appearance of Defendant for oral argument on petition. FURTHER, Deft's presence is WAIVED until such time as there is further order of the Court requiring Deft's presence. NDC 1/9/06 9:00 AM DEFT'S PRO PER MOTION TO RECONSIDER APPEARANCE FOR ORAL ARGUMENT - IN RE DEFT'S PETITION FOR WRIT OF HABEAS CORPUS ;

01/09/2006

Motion to Reconsider (9:00 AM)

DEFT'S PRO PER MOTION TO RECONSIDER TRANSPORT DEFT FOR ORAL ARGUMENTS /37 Court Clerk: Cheryl Case Relief Clerk: Cynthia Georgilas/cg Reporter/Recorder: Kristen Lunkwitz Heard By: Jennifer Togliatti Denied; DEFT'S PRO PER MOTION TO RECONSIDER TRANSPORT DEFT FOR ORAL ARGUMENTS /37 Court Clerk: Cheryl Case Relief Clerk: Cynthia Georgilas/cg Reporter/Recorder: Kristen Lunkwitz Heard By: Jennifer Togliatti Journal Entry Details:

Ms. Dickson advised she represented Defendant at trial and advised Defendant has real issues and would like to be transported in order to present them to this Court. COURT ORDERED, motion DENIED. Colloquy regarding Defendant's Writ. Court STATED it has reviewed Writ once before but will review Writ again, as well as procedural history and set for Status Check. NDC 01-18-06 9:00 AM STATUS CHECK: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS ;

01/18/2006

Status Check (9:00 AM)

STATUS CHECK: DEFT'S WRIT OF HABEAS CORPUS Court Clerk: Alan Castle Reporter/Recorder: Kristen Lunkwitz Heard By: Jennifer Togliatti Matter Heard; STATUS CHECK: DEFT'S WRIT OF HABEAS CORPUS Court Clerk: Alan Castle Reporter/Recorder: Kristen Lunkwitz Heard By: Jennifer Togliatti Journal Entry Details: Court FINDS still considering and ORDERED, matter CONTINUED for Decision. NDC 1/30/06 9:00 AM DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS ;

01/30/2006

Decision (9:00 AM)

DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS /36 Court Clerk: Alan Castle/ac Relief Clerk: Kathy Streuber Reporter/Recorder: Kristen Lunkwitz Heard By: Togliatti, Jennifer Matter Continued; DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS /36 Court Clerk: Alan Castle/ac Relief Clerk: Kathy Streuber Reporter/Recorder: Kristen Lunkwitz Heard By: Togliatti, Jennifer Journal Entry Details: COURT ORDERED, matter CONTINUED for further consideration. FURTHER, Deft's presence WAIVED for these proceedings. NDC ;


02/03/2006

Decision (9:00 AM)

DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS /36 Court Clerk: Alan Castle Relief Clerk: Katherine Streuber/ks Reporter/Recorder: Kristen Lunkwitz Heard By: Jennifer Togliatti Denied; DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS /36 Court Clerk: Alan Castle Relief Clerk: Katherine Streuber/ks Reporter/Recorder: Kristen Lunkwitz Heard By: Jennifer Togliatti

CASE SUMMARY

CASE No. 00C167783

	<p>Journal Entry Details: <i>COURT ORDERED, Deft's petition is DENIED. By way of this minute order State to prepare the order and notify all interested parties. NDC ;</i></p>
03/27/2006	<p>Motion (9:00 AM) Events: 03/16/2006 Motion to Rehear <i>PETITIONERS PRO PER MOTION FOR REHEARINGON DECISION ENTERED MARCH 3, 2006/39 Relief Clerk: Melissas Swinn Reporter/Recorder: Janice David Heard By: Stephen Huffaker</i> Denied; PETITIONERS PRO PER MOTION FOR REHEARINGON DECISION ENTERED MARCH 3, 2006/39 Relief Clerk: Melissas Swinn Reporter/Recorder: Janice David Heard By: Stephen Huffaker Journal Entry Details: <i>Defendant not present as he is currently housed at the Nevada Department of Corrections. Court reviewed documents, stated its findings and ORDERED, motion DENIED. NDC ;</i></p>
08/23/2006	<p>Motion to Stay (9:00 AM) Events: 08/11/2006 Motion to Stay <i>DEFT'S PRO PER MTN TO STAY PROCEEDINGS &MTN FOR APPOINTMENT OF COUNSEL /40 Court Clerk: Alan Castle Relief Clerk: Kathy Klein/kk Reporter/Recorder: Kristen Lunkwitz Heard By: Jennifer Togliatti</i> Denied; DEFT'S PRO PER MTN TO STAY PROCEEDINGS &MTN FOR APPOINTMENT OF COUNSEL /40 Court Clerk: Alan Castle Relief Clerk: Kathy Klein/kk Reporter/Recorder: Kristen Lunkwitz Heard By: Jennifer Togliatti Journal Entry Details: <i>Court waived Deft's presence. Ms. Dickson appeared on behalf of the Deft. in support of Deft's motion. COURT STATED FINDINGS and ORDERED, motion DENIED. State to prepare the order. CASE CLOSED. NDC ;</i></p>
02/22/2010	<p>Motion (9:00 AM) Events: 02/09/2010 Notice of Motion <i>DEFT'S PRO PER MTN TO CORRECT AN ILLEGALSentence OR IN THE ALT MTN TO MODIFY/41 Court Clerk: Alan Paul Castle Reporter/Recorder: Cheryl Carpenter Heard By: Jennifer Togliatti</i> Denied; DEFT'S PRO PER MTN TO CORRECT AN ILLEGALSentence OR IN THE ALT MTN TO MODIFY/41 Court Clerk: Alan Paul Castle Reporter/Recorder: Cheryl Carpenter Heard By: Jennifer Togliatti Journal Entry Details: <i>Court waived Defendant's presence, as this Court does not entertain oral arguments in these types of proceedings and determination made specifically on the pleadings. Matter submitted. COURT Finds this Court agrees with State's opposition and ORDERED, motion DENIED. By way of this minute order State to prepare the Findings of Fact, Conclusions of Law that track the State's opposition and notify all interested parties. CASE CLOSED. NDC ;</i></p>
04/05/2010	<p>Motion to Reconsider (9:00 AM) Events: 03/25/2010 Motion to Reconsider <i>DEFT'S PRO PER MTN TO RECONSIDER /42 Court Clerk: Alan Paul Castle/ac Relief Clerk: Shelly Landwehr Reporter/Recorder: Yvette Lester Heard By: Jennifer Togliatti</i> Denied; DEFT'S PRO PER MTN TO RECONSIDER /42 Court Clerk: Alan Paul Castle/ac Relief Clerk: Shelly Landwehr Reporter/Recorder: Yvette Lester Heard By: Jennifer Togliatti Journal Entry Details: <i>Court waived Defendant's presence, as this Court does not entertain oral arguments in these types of proceedings and determination made specifically on the pleadings. COURT FINDS no legal cause and ORDERED, motion DENIED. State to prepare the order denying motion and notify interested parties. CASE CLOSED. NDC ;</i></p>
05/09/2011	<p> Motion (8:30 AM) (Judicial Officer: Cadish, Elissa F.) Events: 04/25/2011 Notice of Motion <i>Notice of Motion and Motion to Correct an Illegal Sentence or, in the Alternative, Motion for Modification of Sentence</i> Denied; Journal Entry Details: <i>DEFT'S MOTION TO CORRECT AN ILLEGAL SENTENCE OR, IN THE ALTERNATIVE,</i></p>

CASE SUMMARY

CASE No. 00C167783

MOTION FOR MODIFICATION OF SENTENCE Without benefit of argument, COURT stated findings and ORDERED, Motion DENIED. NDC ;

06/06/2011 **Motion** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Events: 05/24/2011 Motion

Defendant's Motion for Leave to File Supplemental Points and Authorities in Support of Motion to Correct an Illegal Sentence or in the Alternative Motion for Modification of Sentence


Denied;

06/06/2011 **Motion** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Events: 05/24/2011 Motion

Defendant's Motion for Leave to File Defendant's Response to State's Opposition to Defendant's Pro Per Motion to Correct an Illegal Sentence or in the Alternative Motion for Modification of Sentence

Denied;

06/06/2011  **All Pending Motions** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Matter Heard;

Journal Entry Details:

DEFENDANT'S PRO PER MOTION FOR LEAVE TO FILE SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO CORRECT AN ILLEGAL SENTENCE OR IN THE ALTERNATIVE MOTION FOR MODIFICATION OF SENTENCE...DEFENDANT' PRO PER MOTION FOR LEAVE TO FILE DEFENDANT'S RESPONSE TO STATE'S OPPOSITION TO DEFENDANT'S PRO PER MOTION TO CORRECT AN ILLEGAL SENTENCE OR IN THE ALTERNATIVE MOTION FOR MODIFICATION OF SENTENCE Without benefit of argument, COURT stated her findings and ORDERED, Deft's Pro Per Motion's DENIED. NDC ;

06/29/2011  **Motion** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Events: 06/16/2011 Notice of Motion

Notice of Motion/Motion for Extension of Time

Denied;

Journal Entry Details:

NOTICE OF MOTION/MOTION FOR EXTENSION OF TIME COURT noted the State has not filed the notice of entry of order from May 20, 2011 and ORDERED, Motion DENIED as MOOT; State to file the notice of entry of order from 5/20/2011 and send copy to Deft; Deft. will have 10 days under the rules after the notice of entry to file any motions for reconsideration that may be warranted. NDC CLERK'S NOTE: Minutes corrected this date. 7/6/11 dt ;

07/06/2011  **Motion** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)


Events: 06/21/2011 Motion to Reconsider

Pro Se Motion for Reconsideration

Denied;

Journal Entry Details:

Court noted the motion is premature because the order from May 20, 2011 has not been entered, stated findings and ORDERED, motion for reconsideration DENIED. NDC CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140, NNCC, POB 7000, Carson City, Nv. 89702 ;

08/01/2011  **Motion For Reconsideration** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Events: 07/21/2011 Notice of Motion

Notice of Motion/ Motion for Reconsideration

No Jurisdiction;

Journal Entry Details:

Deft. not present; incarcerated in the Nevada Department of Corrections (NDC). Court stated based on the Notice of Appeal having been filed in this matter, the Court does not have jurisdiction to entertain this motion. Additionally, if the Court considered the pleadings on the merits, Court will make findings, including that there were no facts of law presented in the relief being requested, and deny the motion. State to prepare the order. NDC CLERK'S NOTE:

CASE SUMMARY

CASE No. 00C167783

The above minute order has been distributed to: Gregory S. Hermanski #69140, NNCC, P.O. BOX 7000, Carson City, NV. 89702. /// sj ;

09/11/2013



At Request of Court (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Clarification of Sentence/Credit for Time Served

Matter Heard;

Journal Entry Details:

Upon review of the Defendant's file, specifically the Second Amended Judgment of Conviction, the Court stated the Deft was not entitled to the credit for time served as it was discovered he was on parole at the time of the offence; the parole was unknown at the time of the original sentencing because the Deft. was using a false name. COURT ORDERED, ZERO (0) DAYS credit for time served STAYS. NDC CLERK'S NOTE: A copy of this minute order will be provided to Barbara Belt. (TS 9-20-13) ;

01/08/2014

Motion (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Defendant's Motion to Extend Prison Copy Work Limit

Denied Without Prejudice;

01/08/2014

Motion to Correct Sentence (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Defendant's Notice of Motion and Motion to Correct Illegal Sentence

Denied;

01/08/2014



All Pending Motions (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Decision Made;

Journal Entry Details:

DEFENDANT'S PRO SE MOTION TO EXTEND PRISON COPY WORK LIMIT...DEFENDANT'S PRO SE MOTION TO CORRECT ILLEGAL SENTENCE In the absence of the Deft., Court stated there will not be any argument and a ruling will be made based upon the papers. Court stated findings and ORDERED, Deft's Pro Se Motion To Correct Illegal Sentence DENIED; Deft's Pro Se Motion To Extend Prison Copy Work Limit DENIED WITHOUT PREJUDICE as the Deft. has not sufficiently established what needs to be copied to warrant the additional copies and needs to explain in more detail what the need for additional copies are. NDC CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140, NNCC, POB 7000, Carson City Nv. 89702 ;

02/03/2014



Motion (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Defendant's Motion to Extend Prison Copy Work Limit

Denied Without Prejudice;

Journal Entry Details:

In the absence of the Defendant the Court stated there will not be any argument and a ruling will be issued on the papers. Court stated findings noting the motion was previously denied without prejudice January 8, 2014, the Defendant has still not made a showing of the need for the copies for any legal purposes and absent of that ORDERED, Defendant's Pro Se Motion To Extend Prison Copy Work Limit DENIED WITHOUT PREJUDICE; State to prepare the order. NDC CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140, NNCC, POB 7000, Carson City Nv. 89702 ;

02/26/2014

Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Denied;

02/26/2014

Response and Countermotion (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

State's Response And Motion To Dismiss Defendant's Petition For Writ Of Habeas Corpus And "First Amended" Petition For Writ Of Habeas Corpus

Granted;

02/26/2014

Motion (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Defendant - Renewed Motion to Extend Prison Copy-Work Limit

Denied;




02/26/2014

Motion For Reconsideration (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Defendant - Motion for Reconsideration

CASE SUMMARY

CASE No. 00C167783

	Denied;
02/26/2014	 All Pending Motions (8:30 AM) (Judicial Officer: Cadish, Elissa F.) Decision Made; Journal Entry Details: <i>DEFT'S PRO SE RENEWED MOTION TO EXTEND PRISON COPY WORK LIMIT... PETITION FOR WRIT OF HABEAS CORPUS DEFT S PRO SE MOTION FOR RECONSIDERATION STATE S RESPONSE AND MOTION TO DISMISS DEFT S PETITION FOR WRIT OF HABEAS CORPUS AND FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS. In the absence of the Defendant the Court stated there will not be any argument and a ruling will be issued based upon the papers. Court stated findings and ORDERED, Defendant's Pro Se Renewed Motion To Extend Prison Copy Work Limit DENIED; Petitioner's Objection And Motion To Strike Respondent's Opposition To Motion To Extend Prison Copy-Work Limit scheduled March 17th is DENIED AS MOOT; Deft's Petition For Writ of Habeas Corpus, Motion For Reconsideration and requests for counsel and an Evidentiary Hearing are DENIED; State s Motion To Dismiss GRANTED; State to prepare the order. NDC CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140, NNCC, POB 7000, Carson City Nv. 89702 ;</i>
02/26/2014	CANCELED All Pending Motions (8:30 AM) (Judicial Officer: Cadish, Elissa F.) <i>Vacated - On In Error</i>
03/17/2014	CANCELED Motion (8:30 AM) (Judicial Officer: Cadish, Elissa F.) <i>Vacated - per Judge</i> <i>Petitioner's Objection and Motion to Strike Respondent's Opposition to Motion to Extend Prison Copy-Work Limit</i>
03/19/2014	 Motion to Vacate (8:30 AM) (Judicial Officer: Cadish, Elissa F.) <i>Defendant's Motion to Vacate Habitual Felon Adjudication and Sentence</i> Motion Denied; Defendant's Motion to Vacate Habitual Felon Adjudication and Sentence Journal Entry Details: <i>Without argument, Court advised sentenced imposed was not an illegal sentence, noted case had been previously examined by this Court and the Supreme Court and ORDERED, motion DENIED. State to prepare the order. NDC CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140 c/o Northern Nevada Correctional Center, P.O. Box 7000, Carson City, NV 89702. 03/24/14 kls ;</i>
04/30/2014	Motion For Reconsideration (8:30 AM) (Judicial Officer: Cadish, Elissa F.) <i>Deft's Notice of Motion and Motion for Leave to File Motion for Reconsideration</i> Denied;
04/30/2014	Motion to Reconsider (8:30 AM) (Judicial Officer: Cadish, Elissa F.) <i>Notice of Motion and Motion for Reconsideration</i> Denied;
04/30/2014	Opposition and Countermotion (8:30 AM) (Judicial Officer: Cadish, Elissa F.) <i>State's Opposition to Defendant's Motion For Reconsideration and Countermotion For Determination of Vexatious Litigation and Request For Order to Show Cause Why The Court Should Not Issue a Pre-Filing Injunction Order</i> Denied;
04/30/2014	 All Pending Motions (8:30 AM) (Judicial Officer: Cadish, Elissa F.) <i>Deft's Pro Se Motion for Leave to File Motin for Reconsideration...Deft's Pro Se Motion for Reconsideration ... State's Opposition to Defendant's Motion For Reconsideration and Countermotion For Determination of Vexatious Litigation and Request For Order to Show Cause Why The Court Should Not Issue a Pre-Filing Injunction Order</i> Decision Made; Deft's Pro Se Motion for leave to File Motin for Reconsideration...Deft's Pro Se Motion for Reconsideration ... State's Opposition to Defendant's Motion For Reconsideration and Countermotion For Determination of Vexatious Litigation and Request For Order to Show Cause Why The Court Should Not Issue a Pre-Filing Injunction Order Journal Entry Details: <i>Michelle Sudano, Deputy District Attorney present. COURT NOTED that Deft is incarcerated</i>

CASE SUMMARY

CASE NO. 00C167783

at Nevada Department of Corrections and the Court will hear no argument today. COURT STATED its position on each motion and ORDERED: Both of the Deft's Pro Se Motions, DENIED. COURT FURTHER ORDERED, State's Countermotion, DENIED. COURT NOTED that the Judgments of Convictions were available and reviewed before Deft was sentenced as a Habitual Criminal. COURT STATED it warns Defendant that he can take up his issues with the Nevada Supreme Court and not this Court re habitual criminal treatment, absence of new facts or law, or he will be subject to sanctions. NDC CLERK'S NOTE: A copy of this minute order has been distributed to Deft: Gregory Scott Hermanski #69140 Northern Nevada Correctional Center P.O. Box 7000 Carson City, NV 89202 ;

04/29/2015



Motion (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Motion for Prisoner Transportation Order (Oral Argument Requested)

Denied;

Journal Entry Details:

Defendant not present. Court noted the Defendant seeks to be transported for the proceedings of June 17, 2015 and in the view of the Court there is no need for the Defendant's appearance as there is no Evidentiary Hearing, the record will not be expanded, and if an Evidentiary Hearing is needed the Defendant will be transported. COURT ORDERED, Defendant's Pro Per Motion For Prisoner Transportation (Oral Argument Requested) DENIED NDC 6-17-15 8:30 AM DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS; DEFENDANT'S MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS CLERK'S NOTE: The above minute order has been distributed to: Gregory Scott Hermanski #69140, NNCC, POB 7000, Carson City Nv. 89702 ;

06/17/2015

Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Denied;

06/17/2015

Motion for Leave (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Defendant's Motion for Leave to Proceed in Forma Pauperis

Granted;

06/17/2015



All Pending Motions (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Matter Resolved;

Journal Entry Details:

Defendant's Pro Se Petition For Writ Of Habeas Corpus...Defendant's Pro Se Motion For Leave To Proceed In Forma Paupers In the absence of the Defendant, Court stated there will not be any argument and a ruling will be issued based upon the papers. Court stated findings and ORDERED, Motion To Dismiss Defendant's Pro Se Petition For Writ Of Habeas Corpus GRANTED; Defendant's Request For Evidentiary Hearing DENIED; Defendant's Pro Se Motion For Leave To Proceed In Forma Paupers GRANTED; State to prepare the order. NDC CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski # 69140, NNCC POB 7000, Carson City Nv. 89702 ;

11/13/2019



Motion (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)

Motion to Correct Judgment of Conviction

Denied;

Journal Entry Details:

Court stated findings and ORDERED, Motion To Correct Judgment of Conviction DENIED; State's to prepare the order. NDC;

12/04/2019



Motion (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)

Supplemental Motion to Correct Judgment of Conviction

Denied;

Journal Entry Details:

Court stated findings and ORDERED, Supplemental Motion To Correct Judgment of Conviction DENIED. Ms. Clowers stated an order will be prepared. NDC ;

12/09/2019



Motion (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)

Motion for Enlargement of Time

Denied;

Journal Entry Details:

CASE SUMMARY

CASE No. 00C167783

Court stated findings and ORDERED, Motion For Enlargement of time DENIED as the motion has already been ruled on. NDC ;

12/28/2020



Motion to Correct Clerical Mistake (10:15 AM) (Judicial Officer: Bluth, Jacqueline M.)

12/28/2020, 02/08/2021

Continued;

Continued;

Journal Entry Details:

Court noted the lack of an opposition. Ms. Overly requested 45 days to respond. COURT ORDERED, State's response is due March 22nd; proceedings CONTINUED. NDC 3-29-21 11:00 AM MOTION TO CORRECT CLERICAL MISTAKE ;

Continued;

Continued;

Journal Entry Details:

COURT ORDERED, proceedings CONTINUED for the State to respond. NDC 2-8-21 11:00 AM MOTION TO CORRECT CLERICAL MISTAKE;

03/08/2021



Motion to Correct Sentence (11:00 AM) (Judicial Officer: Craig, Christy)

Motion to Correct an Illegal Sentence

Continued;

Motion Denied per Minute Order 3/9/21

Journal Entry Details:

COURT ORDERED, matter CONTINUED to be heard by assigned Judge. NDC CONTINUED TO: 03/22/21 11:00 AM CLERK'S NOTE: The above minute order has been distributed to: Gregory Hermanski #69140, NNCC, PO Box 7000, Carson City, NV 89702;

03/09/2021



Minute Order (11:30 AM) (Judicial Officer: Bluth, Jacqueline M.)

Re: Motion to Correct an Illegal Sentence

Minute Order - No Hearing Held;

Journal Entry Details:

Defendant's motion to correct illegal sentence is DENIED. "The [district] court may correct an illegal sentence at any time." Edwards v. State, 112 Nev. 704, 707, 918 P.2d 321, 324 (1996). "Motions to correct illegal sentences address only the facial legality of a sentence. An illegal sentence is 'one at variance with the controlling sentencing statute or 'illegal' in the sense that the court goes beyond its authority by acting without jurisdiction or imposing a sentence in excess of the statutory maximum provided." Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Here, defendant has failed to show that his sentence is at variance with the controlling statute or that the court went "beyond its authority by acting without jurisdiction or imposing a sentence in excess of the statutory maximum provided." First, Defendant's claim that the court's "written judgment" does not reflect the Court's adjudication of guilt as to counts I and II is unfounded. Defendant's Second Amended Judgment of Conviction is clear that he was found guilty of counts 1 and 2 and was thereby adjudicated guilty under the habitual criminal statute. See SAJOC 7/27/06. Defendant next argues that the only reference to "guilt" in the second amended judgment of conviction is the finding of the jury and that "a verdict of the jury is not a final determination." However, it is clear from the Second Amended Judgment of Conviction that the finding of guilt and sentence imposed was an Order of the Court. Accordingly, Defendant's Motion is denied. Furthermore, the March 22, 2021 proceeding on the matter is hereby vacated. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Madalyn Kearney, to all registered parties for Odyssey File & Serve. /mk 3/9/21;

03/25/2021



Minute Order (3:00 AM) (Judicial Officer: Bluth, Jacqueline M.)

Minute Order re: Defendant's Motion to Correct Clerical Mistake

Minute Order - No Hearing Held;

Journal Entry Details:

COURT ORDERED, Defendant s Motion to Correct Clerical Mistake is DENIED. Defendant argues that the Second Amended Judgment of Conviction incorrectly states that the jury, rather than the court found that defendant was a habitual felon under NRS 207.012. He also argues that the SAJOC incorrectly states the charges and fails to reference the statutes violated. Defendant suggests that his sentence as a habitual felon is extra-statutory and illegal and asks that the SAJOC be amended. Defendant s request is more properly construed as a motion to correct illegal sentence. The [district] court may correct an illegal sentence at any

CASE SUMMARY**CASE NO. 00C167783**

time. Edwards v. State, 112 Nev. 704, 707, 918 P.2d 321, 324 (1996). Motions to correct illegal sentences address only the facial legality of a sentence. An illegal sentence is one at variance with the controlling sentencing statute or illegal in the sense that the court goes beyond its authority by acting without jurisdiction or imposing a sentence in excess of the statutory maximum provided. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Defendant indicates that page 1, line 21 of his Second Amended JOC should probably state Court instead of Jury. However, there really is no need for a correction because there is no potential for confusion. Defendant's Second Amended JOC is clear that he was found guilty of Counts 1 and 2 and was thereby adjudicated guilty under the habitual criminal statute. It should be noted that the wording for which Defendant complains was also contained in the Amended JOC filed in 2003, which was reviewed by the Nevada Supreme Court during his post-conviction petition for writ of habeas corpus appeal. Although the Nevada Supreme Court remanded the case to the Court to make a minor correction to the wording regarding Defendant's habitual criminal adjudication, the Nevada Supreme Court found no need to correct the language regarding Defendant's adjudication of guilty for Counts 1 and 2. Therefore, the request should be DENIED. Further, as previously stated in this Court's ruling on Defendant's Motion to Correct Illegal Sentence, Defendant has failed to show that his sentence is at variance with the controlling statute or that the court went "beyond its authority by acting without jurisdiction or imposing a sentence in excess of the statutory maximum provided." (Minute Order 3/9/21). Defendant's Second Amended Judgment of Conviction is clear that he was found guilty of counts 1 and 2 and was thereby adjudicated guilty under the habitual criminal statute. See SAJOC 7/27/06. Accordingly, Defendant's Motion is denied. CLERK'S NOTE: A copy of this minute order was distributed to: Karen Mishler, Deputy District Attorney and Deft. Gregory Hermanski./kb 3-25-21;

DATE**FINANCIAL INFORMATION**

Defendant Hermanski, Gregory S
 Total Charges
 Total Payments and Credits
Balance Due as of 5/14/2021

275.00
 0.00
275.00

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 13, 2000**

00C167783

The State of Nevada vs Gregory S Hermanski

June 13, 2000**9:00 AM****Initial Arraignment**

**INITIAL
ARRAIGNMENT
Relief Clerk: BILLIE
JO CRAIG
Reporter/Recorder:
TINA SMITH Heard
By: Kathy Hardcastle**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Hermanski, Gregory S
Moreo, Thomas J.
Public Defender
Roundtree, Stacey

Defendant
Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Ms. Roundtree advised there were two incompetent reports and submitted the second report from Dr. Paglini. Pursuant to NRS 178.425, COURT ORDERED, defendant REMANDED to the custody of the Administrator of the Mental Hygiene and Mental Retardation Division for the Department of Human Resources for detention and treatment at a secure facility operated by the Mental Hygiene and Mental Retardation Division.
L.C.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 04, 2000**

00C167783

The State of Nevada vs Gregory S Hermanski

October 04, 2000**9:00 AM****Status Check**

**COURT
ADMINISTRATION
S' REQUEST FOR
STATUS CHECK
Relief Clerk: BILLIE
JO CRAIG
Reporter/Recorder:
TINA SMITH Heard
By: Hardcastle, Kathy**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Campbell, Cara L.
Khamsi, Bitu
Public Defender

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- FINDINGS (OF COMPETENCY) AND ORDER TO TRANSPORT SIGNED AND FILED IN OPEN COURT. Court noted it received the reports. COURT ORDERED, matter CONTINUED for defendant to be present.
L.C.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 25, 2000**

00C167783

The State of Nevada vs Gregory S Hermanski

October 25, 2000**9:00 AM****Status Check**

**COURT
ADMINISTRATION
S' REQUEST FOR
STATUS CHECK
Court Clerk:
DOROTHY KELLY
Reporter/Recorder:
TINA SMITH Heard
By: Hardcastle, Kathy**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

PRESENT:	Public Defender	Attorney
	Roundtree, Stacey	Attorney
	Villegas, Victoria A.	Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED for deft's presence. Court instructed counsel to call Lakes Crossing.

L.C.

COURT'S ADMINISTRATION'S REQUEST FOR STATUS CHECK

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 08, 2000**

00C167783

The State of Nevada vs Gregory S Hermanski

November 08, 2000**9:00 AM****Status Check**

**COURT
ADMINISTRATION
S' REQUEST FOR
STATUS CHECK
Court Clerk:
DOROTHY KELLY
Reporter/Recorder:
TINA SMITH Heard
By: Hardcastle, Kathy**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Campbell, Cara L.
DeJulio, Douglas P.
Public Defender

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Deft not transported; therefore, COURT ORDERED, matter CONTINUED.
L.C.

COURT ADMINISTRATION'S REQUEST FOR STATUS CHECK

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 14, 2000**

00C167783

The State of Nevada vs Gregory S Hermanski

November 14, 2000**9:00 AM****Status Check**

**COURT
ADMINISTRATION
S' REQUEST FOR
STATUS CHECK
Relief Clerk: BILLIE
JO CRAIG
Reporter/Recorder:
TINA SMITH Heard
By: Kathy Hardcastle**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Campbell, Cara L.

Attorney

DeJulio, Douglas P.

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

JOURNAL ENTRIES

- Court noted defendant competent. COURT ORDERED, matter REMANDED TO JUSTICE COURT to start over with a Preliminary Hearing on charges.

CUSTODY

11/20/00 8:00 AM REMANDED TO JUSTICE COURT, DEPT. 1

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 11, 2000

00C167783

The State of Nevada vs Gregory S Hermanski

December 11, 2000

9:00 AM

Initial Arraignment

**INITIAL
ARRAIGNMENT
Relief Clerk: GREER
JENNISON
Reporter/Recorder:
TINA SMITH Heard
By: Kathy Hardcastle**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Dickson, Dianne

Attorney

Hermanski, Gregory S

Defendant

Moreo, Thomas J.

Attorney

Public Defender

Attorney

JOURNAL ENTRIES

- DEFENDANT DAY ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE.
COURT ORDERED, matter set for trial.

CUSTODY

2/21/01 9:00 AM CALENDAR CALL - DEPT. IV

2/26/01 10:30 AM JURY TRIAL - DEPT. IV

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 21, 2001

00C167783

The State of Nevada vs Gregory S Hermanski

February 21, 2001

9:00 AM

Calendar Call

CALENDAR CALL**Court Clerk:****DOROTHY KELLY****Reporter/Recorder:****TINA SMITH Heard****By: Kathy Hardcastle****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Campbell, Cara L.

Attorney

Hermanski, Gregory S

Defendant

Khamisi, Bitu

Attorney

Public Defender

Attorney

JOURNAL ENTRIES

- AMENDED INFORMATION, MOTION TO AMEND INFORMATION FILED IN OPEN COURT. ORDER TO AMEND INFORMATION SIGNED AND FILED IN OPEN COURT. Ms. Khamisi stated Ms. Dickson informed her she is ready to proceed to trial; she requested a start date of next Tuesday or later. Ms. Campbell stated this is Mr. Fattig's case; trial should take two days with four to six witnesses. COURT ORDERED, matter CONTINUED for trial order.

CUSTODY

02-23-01 9:00 A.M. STATUS CHECK: FINAL TRIAL ORDER

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 23, 2001

00C167783

The State of Nevada vs Gregory S Hermanski

February 23, 2001

9:00 AM

Status Check

STATUS CHECK:
FINAL TRIAL
ORDER Court Clerk:
DOROTHY KELLY
Reporter/Recorder:
TINA SMITH **Heard**
By: Kathy Hardcastle

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

DeJulio, Douglas P.

Attorney

Hehn, William A.

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

JOURNAL ENTRIES

- State announced ready for trial. Due to Court's schedule (murder trial), COURT ORDERED, trial date VACATED and RESET.

CUSTODY

02-28-01 9:00 A.M. CALENDAR CALL

03-12-01 10:30 A.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 28, 2001**

00C167783

The State of Nevada vs Gregory S Hermanski

February 28, 2001**9:00 AM****Calendar Call****CALENDAR CALL****Court Clerk:****DOROTHY KELLY****Reporter/Recorder:****TINA SMITH Heard****By: Kathy Hardcastle****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

Villegas, Victoria A.

Attorney

JOURNAL ENTRIES

- Both sides announced ready for a one-and-one-half day trial. COURT ORDERED, Trial Date Stands, Deft's Motion to Dismiss Information to be heard before trial.

CUSTODY

03-12-01 10:30 A.M. TRIAL BY JURY...DEFT'S MOTION TO DISMISS INFORMATION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 12, 2001

00C167783

The State of Nevada vs Gregory S Hermanski

March 12, 2001

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS FOR
3/12/01 Relief Clerk:
BILLIE JO CRAIG
Reporter/Recorder:
LIZ GARCIA Heard
By: Kathy Hardcastle**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Dickson, Dianne

Attorney

Fattig, John T

Attorney

Hehn, William A.

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

JOURNAL ENTRIES

- DEFT'S MOTION TO DISMISS INFORMATION...JURY TRIAL

Court noted there was no legal basis to dismiss Information. A Supplemental Motion submitted to the Court. COURT ORDERED, Motion to Dismiss for Failure to Preserve Evidence is DENIED.

Upon Court's inquiry, Ms. Dickson advised there were negotiations pending the outcome of this Motion. Mr. Hehn advised there was a Guilty Plea Agreement and a Second Amended Information in the file. Ms. Dickson requested matter trail to talk with defendant. COURT ORDERED, matter to TRAIL. RECALLED. Ms. Dickson requested additional time for defendant to make a decision. COURT ORDERED, matter to TRAIL until 1:30 PM today.

RECALLED. Ms. Dickson advised defendant not arraigned on the Amended Information which included the habitual status. Also, there was a question as to the Amended Information indicating in

Count II as Burglary while in Possession of a Firearm in the summary even though it was a knife. COURT ORDERED, the Amended Information AMENDED BY INTERLINEATION to indicate in the summary BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). Arguments regarding defendant taking stand and what prior convictions will be used. COURT ORDERED, this Motion and the Supplemental Motion DENIED as there is no legal basis and the Certified JOC of 1984 can be used and others if certified and the State is prepared to present evidence. Ms. Dickson objected. COURT ORDERED, Trial CONTINUED to next day.

CUSTODY

3/13/01 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 13, 2001

00C167783

The State of Nevada vs Gregory S Hermanski

March 13, 2001

10:30 AM

Jury Trial

TRIAL BY JURY**Relief Clerk: BILLIE****JO CRAIG****Reporter/Recorder:****LIZ GARCIA Heard****By: Hardcastle, Kathy****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Fattig, John T

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

JOURNAL ENTRIES

- At 11:09 AM, the Jury Panel, counsel and defendant present. At 11:09 AM, Mr. Fattig made his introduction. At 11:10 AM, Ms. Dickson made her introduction. Voir dire oath given at 2:14 PM. Alternate sworn to try the case at 2:16 PM. The Clerk read the Amended Information to the Jury at 2:20 PM. Opening statements by Mr. Fattig. Opening statements by Ms. Dickson. Witnesses sworn and and testified. Exhibits (see Worksheets). COURT ORDERED, EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY, the Court advised defendant of his right to testify on his own behalf. Defendant stated he understood. Colloquy regarding remaining witnesses and additional certified copies of convictions. At 5:10 PM, Court recessed for the evening.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 14, 2001**

00C167783

The State of Nevada vs Gregory S Hermanski

March 14, 2001**10:30 AM****Jury Trial****TRIAL BY JURY****Relief Clerk: BILLIE****JO CRAIG****Reporter/Recorder:****LIZ GARCIA Heard****By: Hardcastle, Kathy****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Fattig, John T

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

JOURNAL ENTRIES

- Jury Instructions settled in Open Court. Counsel stipulated to the presence of the Jury at 10:40 AM. Witnesses sworn and testified. (See Worksheets.) Exhibits (see Worksheets). At 11:54 AM, the State rests. COURT ORDERED, NOON RECESS. At 1:32 PM, counsel stipulated to the presence of the Jury. Testimony continues. At 2:13 PM, defense rests. The Court instructed the Jury on the laws which applied to the case. Closing arguments by Mr. Fattig at 2:27 PM. Closing arguments by Ms. Dickson at 3:16 PM. Rebuttal argument by Mr. Fattig at 3:38 PM. Bailiff sworn to take charge of the Jury at 3:49 PM. Bailiff sworn to take charge of the Alternate at 3:49 PM. OUTSIDE THE PRESENCE OF THE JURY, Ms. Dickson objected to the hearsay statements by the trucker as inadmissible hearsay, detective failed to look for defendant's shirt, and offer to truck driver of \$100.00 to take defendant to New Orleans. Court stated its findings. COURT ORDERED, objection OVERRULED. COURT ORDERED, EVENING RECESS.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 15, 2001

00C167783

The State of Nevada vs Gregory S Hermanski

March 15, 2001

10:30 AM

Jury Trial

TRIAL BY JURY**Relief Clerk: BILLIE****JO CRAIG****Reporter/Recorder:****LIZ GARCIA Heard****By: Kathy Hardcastle****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Fattig, John T

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

JOURNAL ENTRIES

- At the hour of 2:08 PM, the Jury returned with a verdict finding Defendant Day GUILTY OF COUNT I - ROBBERY WITH USE OF A DEADLY WEAPON (F) AND COUNT II - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). The Court thanked and excused the Jurors. The State will file for habitual offender treatment. COURT ORDERED, matter referred to P&P for a PSI and SET for Sentencing.

CUSTODY

5/2/01 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 26, 2001**

00C167783

The State of Nevada vs Gregory S Hermanski

March 26, 2001**9:00 AM****Motion to Amend
Information****STATE'S MOTION
TO AMEND
INFORMATION
Relief Clerk: BILLIE
JO CRAIG
Reporter/Recorder:
TINA SMITH Heard
By: Kathy Hardcastle****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

Villegas, Victoria A.

Attorney

JOURNAL ENTRIES

- COURT ORDERED, State's Motion to Amend Information is GRANTED. Ms. Dickson objected.
ORDER TO AMEND INFORMATION AND SECOND AMENDED INFORMATION SIGNED AND
FILED IN OPEN COURT.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 02, 2001**

00C167783

The State of Nevada vs Gregory S Hermanski

May 02, 2001**9:00 AM****Sentencing****SENTENCING****Court Clerk:****DOROTHY KELLY****Relief Clerk: KEITH****REED/kar****Reporter/Recorder:****TINA SMITH Heard****By: Hardcastle, Kathy****HEARD BY:****COURTROOM:** No Location**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Fattig, John T

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

JOURNAL ENTRIES

- Joy Mundy-Neal of Parole and Probation present. Court noted the Defendant refused to be interviewed for the Pre-Sentence Investigation Report (PSI). Ms. Dickson stated P & P requested the Deft. not make a statement due to his contention he is not guilty of the charges. DEFENDANT DAY ADJUDGED GUILTY of of COUNT I, ROBBERY WITH USE OF A DEADLY WEAPON (F) and COUNT II, BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). COURT ORDERED, matter CONTINUED to review a certified copy of the Judgment of Conviction. CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 09, 2001**

00C167783

The State of Nevada vs Gregory S Hermanski

May 09, 2001**9:00 AM****Sentencing****SENTENCING****Relief Clerk: BILLIE****JO CRAIG****Reporter/Recorder:****TINA SMITH Heard****By: Kathy Hardcastle****HEARD BY:****COURTROOM:** No Location**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Fattig, John T

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

JOURNAL ENTRIES

- Brenda Lewis of the Dept. of P & P present. Ms. Dickson inquired if the Court received the Supplemental PSI. Arguments by counsel regarding habitual treatment. COURT ADJUDGED DEFENDANT DAY GUILTY OF COUNT I - ROBBERY WITH USE OF A DEADLY WEAPON (F) AND CT. II - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). Parties argued and submitted. Exhibits (see worksheet). COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee and \$250.00 DNA Analysis Fee and defendant to submit to a blood and/or saliva test to determine genetic markers or secretor status, Defendant ADJUDGED an HABITUAL OFFENDER. Defendant SENTENCED to a MAXIMUM of THREE HUNDRED (300) MONTHS and a MINIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Prisons, with THREE HUNDRED EIGHT-TWO (382) DAYS Credit For Time Served. RECALLED LATER. Mr. Fattig request defendant be sentenced in CT. II. The Court advised when a defendant is adjudged an habitual offender, sentence applies to both counts.

00C167783

NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 06, 2002

00C167783

The State of Nevada vs Gregory S Hermanski

February 06, 2002

9:00 AM

Request of Court

**AT THE REQUEST
OF THE COURT
CLARIFICATN
SENTENCE/SUPRE
ME CT VR 2/7 Court
Clerk: Dorothy Kelly
Reporter/Recorder:
Tina Smith Heard
By: Hardcastle, Kathy**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne
Noxon, Arthur G.
Public Defender

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Ms. Dickson stated the Deft. has not been transported. She further stated there is a motion for reconsideration in the Supreme Court. Court stated it has a remittitur. COURT ORDERED, matter CONTINUED; a Writ has to be prepared to have Deft. transported.

NDC

AT REQUEST OF COURT: CLARIFICATION OF SENTENCE PER SUPREME COURT ORDER

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 26, 2002**

00C167783

The State of Nevada vs Gregory S Hermanski

June 26, 2002**9:00 AM****Request**

**DEFT'S REQUEST
RESENTENCING
PURSUANT TO
ORDER OF
SUPREME COURT
/14 Court Clerk:
Dorothy Kelly
Reporter/Recorder:
Tina Smith Heard
By: Hardcastle, Kathy**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne
Noxon, Arthur G.
Public Defender

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Court stated an Order to Transport Deft. has to be prepared. State advised it will prepare the Order.
COURT ORDERED, matter CONTINUED.

NDC

DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 25, 2002

00C167783

The State of Nevada vs Gregory S Hermanski

July 25, 2002

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 07-25-02
Court Clerk: Dorothy
Kelly
Reporter/Recorder:
Debra Van Blaricom
Heard By: Kathy
Hardcastle**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

Schubert, David

Attorney

JOURNAL ENTRIES

- DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN
HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME
COURT ORDER

Ms. Dickson stated this was remanded from the Supreme Court for sentencing. She further stated she obtained information that records are not Mr. Day's records; fingerprints attached to a document do not match the Deft.'s. She requested the sentencing be vacated. State requested time to respond. COURT ORDERED, matter CONTINUED. Court advised Ms. Dickson the Deft. does not have to be present for the next Court date. Ms. Dickson responded the Deft. wants to be present. Court directed the State to prepare an Order to Transport Deft. to all proceedings.

NDC

00C167783

08-14-02 9:00 A.M. (MOTIONS AND REQUEST AS REFLECTED ABOVE)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 14, 2002**

00C167783

The State of Nevada vs Gregory S Hermanski

August 14, 2002**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 08-14-02
Court Clerk: Dorothy
Kelly
Reporter/Recorder:
Tina Smith Heard
By: Kathy Hardcastle**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Hermanski, Gregory S

Defendant

Public Defender

Attorney

Schubert, David

Attorney

JOURNAL ENTRIES

- DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST FOR TRANSCRIPT OF VOIR DIRE

Mr. Schubert requested a continuance as Deputy District Attorney, Scott Mitchell, is on vacation; COURT, SO ORDERED.

NDC

08-28-02 9:00 A.M. MOTIONS AND REQUESTS AS REFLECTED ABOVE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 28, 2002**

00C167783

The State of Nevada vs Gregory S Hermanski

August 28, 2002**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 8-28-02
Relief Clerk: Alan
Castle
Reporter/Recorder:
Tina Smith Heard
By: Kathy Hardcastle**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne	Attorney
Hermanski, Gregory S	Defendant
Lieberman, Gary H.	Attorney
Public Defender	Attorney
Schubert, David	Attorney

JOURNAL ENTRIES

- DEFT'S MOTION FOR NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS A HABITUAL CRIMINAL...DEFT'S MOTION FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST OF VOIR DIRE Deft's motion to dismiss Count pursuant to habitual criminal statute, NRS 207.010 FILED IN OPEN COURT. Following colloquy regarding Deft's correct identity, COURT ORDERED, ALL MATTERS CONTINUED. FURTHER ORDERED, Deft. does not need remain here and is to be sent back to NDC. 10/2/02 9:00 AM DEFT'S MOTION FOR NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS A HABITUAL CRIMINAL...DEFT'S MOTION FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST OF VOIR DIRE...DEFT'S MOTION TO DISMISS COUNT PURSUANT TO HABITUAL CRIMINAL STATUTE,

00C167783

NRS 207.010

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 09, 2002**

00C167783

The State of Nevada vs Gregory S Hermanski

September 09, 2002**9:00 AM****Motion****DEFT'S MTN FOR A
NEW TRIAL/21****Relief Clerk: Denise
Husted****Reporter/Recorder:****Tina Smith Heard****By: Hardcastle, Kathy****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Bauer, Elizabeth B.

Attorney

Dickson, Dianne

Attorney

Public Defender

Attorney

JOURNAL ENTRIES

- COURT ORDERED, motion CONTINUED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 02, 2002

00C167783

The State of Nevada vs Gregory S Hermanski

October 02, 2002

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 10-02-02
Court Clerk: Dorothy
Kelly
Reporter/Recorder:
Tina Smith Heard
By: Kathy Hardcastle**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne
Mitchell, Scott S.
Public Defender

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST FOR TRANSCRIPT OF VOIR DIRE...DEFT'S MOTION TO DISMISS COUNT PURSUANT TO HABITUAL CRIMINAL STATUTE, NRS 207.010...DEFT'S MOTION FOR A NEW TRIAL

State's Opposition to Defendant's Motion to Vacate Sentence as an Habitual Criminal and State's Opposition to Defendant's Motion for New Trial FILED IN OPEN COURT. COURT ORDERED, Judgment of Conviction to be AMENDED BY INTERLINEATION to reflect Deft. found guilty pursuant to Jury Verdict. Ms. Dickson stated she has new evidence whereby the Deft. happened upon Mr. Beck who submitted an affidavit stating he was working with the Deft. on the day in question. Mr. Mitchell stated that as to the Motion to Vacate Sentence as an Habitual Criminal, he concurs with the motion; the State wants to resentence Deft., since he was not the person he was

sentenced under. He further stated the Deft. admitted he is not Robert James Day; he is Gregory Scott Hermanski and from running an FBI identity, he is a twelve-time convicted felon and has an outstanding warrant from North Carolina and felony convictions from Florida and a Federal conviction. Mr. Mitchell further stated that Robert Day is someone the Deft. met, and because the Deft. pulled identity fraud in Court, the State will file new charges for perjury and identity fraud. Mr. Mitchell requested a new sentencing date be set and requested time to obtain ID materials from the other jurisdictions; the Deft. has convictions from 1969. Court stated it will leave everything as is and ORDERED, matter CONTINUED sixty (60) days. Court instructed the State to obtain information and when it is responded to the Court will decide what to do. Mr. Mitchell stated he wants a new Pre-Sentence Report and wants to have the Deft. at the jail. Ms. Dickson stated the Deft. does not want to talk to the Division of Parole and Probation; the State had Deft's fingerprints from day one.

NDC

12-04-02 9:00 A.M. MOTIONS AS REFLECTED ABOVE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 04, 2002

00C167783

The State of Nevada vs Gregory S Hermanski

December 04, 2002

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 12-04-02
Court Clerk: Dorothy
Kelly
Reporter/Recorder:
Tina Smith Heard
By: Kathy Hardcastle**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Hermanski, Gregory S

Defendant

Mitchell, Scott S.

Attorney

Public Defender

Attorney

JOURNAL ENTRIES

- DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST FOR TRANSCRIPT OF VOIR DIRE...DEFT'S MOTION TO DISMISS COUNT PURSUANT TO HABITUAL CRIMINAL STATUTE, NRS 207.010...DEFT'S MOTION FOR A NEW TRIAL

Objection FILED IN OPEN COURT. Ms. Dickson stated the Deft. wants to file a motion objecting to the proceedings. As to the Motion to Vacate Sentence, Mr. Mitchell stated all parties are in agreement Deft. is Gregory Hermanski; he was sentenced as Robert Day; sentencing should be vacated, a new sentencing date set and a new Pre-Sentence Report prepared. He further stated the Deft. has a record that requires this Court to sentence him as a violent habitual criminal; he has two bank robbery certifications and one is on the way. Mr. Mitchell stated the State is prepared to say the Deft. has

eleven (11) felony convictions; he requested the prior opposition be withdrawn as the State has verified Mr. Hermanski is not Robert James Day. Court noted the Deft. lied to the Court. Ms. Dickson stated there has been another motion filed by the Deft. Court stated it does not recognize motions filed by the Defendant; they are to be presented to his attorney. Ms. Dickson stated the Motion for a New Trial was based on confirmation the Deft. had a parole violation at the time he ran from police; she requested the copy of documentation and the Birth Certificate be made part of the record....(Defendant's Exhibits A and B). Court stated the Deft. could have made that known to counsel; it is not new evidence. Ms. Dickson stated a witness, Mr. Beck, was located in prison. COURT ORDERED, Deft's Motion for New Trial is DENIED. As to Habitual Criminal Charges, Ms. Dickson stated that is a jury question. Court stated the Deft. has misrepresented who he is; his name is Gregory Scott Hermanski. Mr. Mitchell stated the Deft's FBI number is 888420G. COURT ORDERED, matter REFERRED to the Division of Parole and Probation for a new Pre-Sentence Report and set for sentencing. COURT FURTHER ORDERED, Deft's Motion to Vacate Sentence as an Habitual Criminal is GRANTED; Deft's Request for Re-Sentencing Pursuant to Supreme Court Order is MOOT; At the Request of Court: Address Request for Transcript of Voir Dire is OFF CALENDAR; Deft's Motion to Dismiss Count Pursuant to Habitual Criminal Statute NRS 207.010 is MOOT. Due to Defendant's outburst in Court, Court stated it will hear the motion set for December 16th, without him; Defendant IS NOT TO BE PRESENT IN COURT ON December 16TH.

NDC

12-16-02 9:00 A.M. DEFT'S PRO PER MOTION TO DISMISS COUNSEL/ APPOINT COUNSEL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 16, 2002

00C167783

The State of Nevada vs Gregory S Hermanski

December 16, 2002

9:00 AM

Motion to Dismiss

**DEFT'S PRO PER
MTN TO DISMISS
CNSL/APPOINT
CNSL/25 Relief
Clerk: Denise Husted
Reporter/Recorder:
Tina Smith Heard
By: Kathy Hardcastle**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne
Hart, Marty
Public Defender

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Ms. Dickson advised the Court that the Defendant no longer wants her to represent him due to confusion regarding factual allegations of the Defendant's identity. COURT ORDERED, independent counsel is appointed to review the ineffective assistance of counsel claim; matter set for confirmation of counsel.

NDC

CLERK'S NOTE: Dept. IV Judicial Executive Assistant to notify appropriate counsel of Court date.
12/23/02 9:00 AM CONFIRMATION OF COUNSEL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 23, 2002**

00C167783

The State of Nevada vs Gregory S Hermanski

December 23, 2002**9:00 AM****Motion for Confirmation of
Counsel**

**CONFIRMATION
OF
COUNSEL/WOMME
R Relief Clerk:
Denise Husted
Reporter/Recorder:
Tina Smith Heard
By: Hardcastle, Kathy**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Bauer, Elizabeth B.
Dickson, Dianne
Public Defender

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Ms. Dickson stated this matter is not at the post conviction stage yet, however there is a disagreement regarding factual allegations. Court directed Mr. Wommer to review the file prior to sentencing and matter CONTINUED to that date. Ms. Dickson stated she will give the file to Mr. Wommer.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 22, 2003**

00C167783

The State of Nevada vs Gregory S Hermanski

January 22, 2003**9:00 AM****All Pending Motions****ALL PENDING
MOTIONS 01-22-03
Court Clerk: Dorothy
Kelly Heard By:
Kathy Hardcastle****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Hart, Marty

Attorney

Wommer, Paul E.

Attorney

JOURNAL ENTRIES**- CONFIRMATION OF COUNSEL (WOMMER)...SENTENCING**

Carolyn Butts present for the Division of Parole and Probation (P&P). Ms. Dickson stated P&P is requesting a 30-day continuance; COURT, SO ORDERED. Court noted Mr. Wommer previously confirmed as counsel.

NDC

02-26-03 9:00 A.M. SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 26, 2003**

00C167783

The State of Nevada vs Gregory S Hermanski

February 26, 2003**9:00 AM****Sentencing****SENTENCING****Court Clerk: Carole
D'Aloia****Reporter/Recorder:****Carrie Hansen Heard****By: Hardcastle, Kathy****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Hehn, William A.

Attorney

Hermanski, Gregory S

Defendant

Wommer, Paul E.

Attorney

JOURNAL ENTRIES

- Officer C. Butts of the Division of Parole and Probation (P&P) present. Mr. Wommer advised Defendant was not transported and matter will need to be continued. Mr. Wommer further advised that Court appointed him since Ms. Dickson had a conflict and Mr. Wommer CONFIRMED as counsel. COURT ORDERED, matter CONTINUED and instructed the State to prepare an Order to Transport.

CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 26, 2003**

00C167783

The State of Nevada vs Gregory S Hermanski

March 26, 2003**9:00 AM****Sentencing****SENTENCING
Court Clerk: Dorothy
Kelly Heard By:
Hardcastle, Kathy****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Hart, Marty

Attorney

Wommer, Paul E.

Attorney

JOURNAL ENTRIES

- Carolyn Butts present for the Division of Parole and Probation. Mr. Wommer stated he substituted in as counsel for the Deft; he and the Deft. have been in contact. He further stated he has been in trial and has not been able to see the Deft. in the High Desert yet; the Deft. was not transported today. COURT ORDERED, matter CONTINUED; State to prepare an Order to Transport.

NDC

SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 30, 2003**

00C167783

The State of Nevada vs Gregory S Hermanski

April 30, 2003**9:00 AM****Sentencing****SENTENCING****Court Clerk: Dorothy
Kelly****Reporter/Recorder:****Carrie Hansen Heard****By: Kathy Hardcastle****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne

Attorney

Hermanski, Gregory S

Defendant

Mitchell, Scott S.

Attorney

Wommer, Paul E.

Attorney

JOURNAL ENTRIES

- William Lizura present for the Division of Parole and Probation (P&P). DEFT. HERMANSKI ADJUDGED GUILTY OF CT. I ROBBERY WITH USE OF A DEADLY WEAPON (F) AND CT. II - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). Court heard argument as to Deft's Habitual Criminal status. Mr. Mitchell noted Defendant's prior felonies and stated that under the law, the maximum penalty has to be imposed; it is not discretionary. Mr. Wommer stated he substituted in as counsel for sentencing; Ms. Dickson represented the Deft. previously. Mr. Wommer read Defendant's statement in Court. Court directed Mr. Wommer to put the matters contained in Deft's statement in a motion. Mr. Mitchell provided Court with certified copies of Deft's Judgment of Convictions along with other paperwork reflecting Deft's past convictions. DEFT. HERMANSKI ADJUDGED GUILTY AS A HABITUAL OFFENDER IN COUNTS I AND II. In addition to the \$25 Administrative Assessment Fee and \$150 DNA Fee, COURT ORDERED, Deft. SENTENCED in COUNT I to LIFE in the Nevada Department of Corrections WITHOUT the Possibility of Parole and

in COUNT II to LIFE in the Nevada Department of Corrections WITHOUT the Possibility of Parole; Count II to run CONCURRENTLY with Count I with NO Credit for Time Served; Deft. to submit to a test to determine genetic markers. Court advised counsel he can file the appropriate motion as to credit for time served while Deft. serving Federal time.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 12, 2003**

00C167783

The State of Nevada vs Gregory S Hermanski

May 12, 2003**9:00 AM****Request**

**DEFT'S REQUEST
TO CLARIFY
APPOINTMENT
OFCOUNSEL/31
Relief Clerk: Billie Jo
Craig
Reporter/Recorder:
Carrie Hansen Heard
By: Kathy Hardcastle**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Bauer, Elizabeth B.
Dickson, Dianne
Public Defender
Roger, David J.
Wommer, Paul E.

Attorney
Attorney
Attorney
Attorney
Attorney

JOURNAL ENTRIES

- COURT ORDERED, defendant's PRESENCE WAIVED today. Ms. Dickson requested clarification of who represents defendant. Mr. Wommer advised he was appointed to represent defendant only for the ineffectiveness of counsel problem. Court noted it had appointed Mr. Wommer to represent defendant.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 31, 2005**

00C167783

The State of Nevada vs Gregory S Hermanski

January 31, 2005**9:00 AM****Motion to Withdraw as
Counsel****DEFT'S PRO PER
MTN TO
WITHDRAW AS
COUNSEL /32 Court
Clerk: Alan Castle
Reporter/Recorder:
Loree Gallegos
Heard By: Jennifer
Togliatti****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES
PRESENT:**

JOURNAL ENTRIES

- Matter submitted. COURT ORDERED, petition GRANTED. By way of this minute order State to prepare the order and notify all interested parties.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 21, 2005

00C167783

The State of Nevada vs Gregory S Hermanski

September 21, 2005 9:00 AM

**Petition for Writ of Habeas
Corpus**

**DEFT'S PTN FOR
WRIT OF HABEAS
CORPUS /33 Court
Clerk: Alan Castle
Reporter/Recorder:
Kristen Lunkwitz
Heard By: Togliatti,
Jennifer**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Benedict, Susan M.

Attorney

JOURNAL ENTRIES

- At request of State, COURT ORDERED, matter CONTINUED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 24, 2005

00C167783

The State of Nevada vs Gregory S Hermanski

October 24, 2005

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 10-24-05
Relief Clerk: Judy
McFadden
Reporter/Recorder:
Kristen Lunkwitz
Heard By: Jennifer
Togliatti**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- DEFT'S PRO PER MOTION FOR PRISONER TRANSPORTATION ORDER...DEFT'S PETITION FOR WRIT OF HABEAS CORPUS
STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR PRISONER TRANSPORTATION FILED IN OPEN COURT. Deft. not present. Conference at Bench. Following Conference at Bench, Court informed it had explained to State and Ms. De La Garza regarding Court's time restraint regarding Deft's Petition for Writ of Habeas Corpus and that Court expects to begin medical leave in ten days that will last two months. Court stated it would need more time to prepare or have another Judge rule. COURT ORDERED, Motion for transport DENIED. Court stated regarding Petition for Writ, it must get up to speed on the case; ineffectual assistance of counsel is the 3rd ground for relief. FURTHER ORDERED, supplemental response from State; matter set for decision. Court directed State to supplement its Opposition to assist Court in addressing the 3rd ground. Court stated Deft. alleges habitual criminal and violent criminal statute did not enable him to challenge conviction.
NDC

00C167783

12/21/05 9:00 AM DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS/STATE'S
SUPPLEMENT TO OPPOSITION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 21, 2005**

00C167783

The State of Nevada vs Gregory S Hermanski

December 21, 2005**9:00 AM****Decision**

**DECISION: DEFT'S
PETITION FOR
WRIT OF HABEAS
CORPUS /36 Court
Clerk: Alan Castle
Reporter/Recorder:
Kristen Lunkwitz
Heard By: Brennan,
James**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dickson, Dianne
Keenan, Nell
Public Defender

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Upon State's inquiry regarding decision, Court stated the matter in on for decision, and Court has reviewed the petition and may have some questions. Ms. Dickson advised the Deft's motion to appear for oral argument was denied and Deft. has filed another motion regarding that denial. Further, Ms. Dickson represented the Deft. previously and notes the Deft. is well educated and articulate. Also, noted by Ms. Dickson is that the Deft's petition may have merit, but the Defendant himself would be the one to argue those merits. COURT FINDS the Court that previously denied the motion to appear for argument should hear the motion to reconsider and ORDERED, CONTINUED and set for hearing motion to reconsider appearance of Defendant for oral argument on petition. FURTHER, Deft's presence is WAIVED until such time as there is further order of the Court requiring Deft's presence.

00C167783

NDC

1/9/06 9:00 AM DEFT'S PRO PER MOTION TO RECONSIDER APPEARANCE FOR ORAL
ARGUMENT - IN RE DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 09, 2006**

00C167783

The State of Nevada vs Gregory S Hermanski

January 09, 2006**9:00 AM****Motion to Reconsider**

**DEFT'S PRO PER
MOTION TO
RECONSIDER
TRANSPORT DEFT
FOR ORAL
ARGUMENTS /37
Court Clerk: Cheryl
Case Relief Clerk:
Cynthia Georgilas/cg
Reporter/Recorder:
Kristen Lunkwitz
Heard By: Jennifer
Togliatti**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Benedict, Susan M.

Attorney

Dickson, Dianne

Attorney

JOURNAL ENTRIES

- Ms. Dickson advised she represented Defendant at trial and advised Defendant has real issues and would like to be transported in order to present them to this Court. COURT ORDERED, motion DENIED. Colloquy regarding Defendant's Writ. Court STATED it has reviewed Writ once before but will review Writ again, as well as procedural history and set for Status Check.

NDC

01-18-06 9:00 AM STATUS CHECK: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 18, 2006**

00C167783

The State of Nevada vs Gregory S Hermanski

January 18, 2006**9:00 AM****Status Check**

**STATUS CHECK:
DEFT'S WRIT OF
HABEAS CORPUS
Court Clerk: Alan
Castle
Reporter/Recorder:
Kristen Lunkwitz
Heard By: Jennifer
Togliatti**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- Court FINDS still considering and ORDERED, matter CONTINUED for Decision.

NDC

1/30/06 9:00 AM DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 30, 2006**

00C167783

The State of Nevada vs Gregory S Hermanski

January 30, 2006**9:00 AM****Decision**

**DECISION: DEFT'S
PETITION FOR
WRIT OF HABEAS
CORPUS /36 Court
Clerk: Alan Castle/ac
Relief Clerk: Kathy
Streuber
Reporter/Recorder:
Kristen Lunkwitz
Heard By: Togliatti,
Jennifer**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED for further consideration. FURTHER, Deft's presence
WAIVED for these proceedings.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 03, 2006**

00C167783

The State of Nevada vs Gregory S Hermanski

February 03, 2006**9:00 AM****Decision**

**DECISION: DEFT'S
PETITION FOR
WRIT OF HABEAS
CORPUS /36 Court
Clerk: Alan Castle
Relief Clerk:
Katherine
Streuber/ks
Reporter/Recorder:
Kristen Lunkwitz
Heard By: Jennifer
Togliatti**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Keenan, Nell

Attorney

JOURNAL ENTRIES

- COURT ORDERED, Deft's petition is DENIED. By way of this minute order State to prepare the order and notify all interested parties.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 27, 2006**

00C167783

The State of Nevada vs Gregory S Hermanski

March 27, 2006**9:00 AM****Motion**

**PETITIONERS PRO
PER MOTION FOR
REHEARING ON
DECISION
ENTERED MARCH
3, 2006/39 Relief
Clerk: Melissas
Swinn
Reporter/Recorder:
Janice David Heard
By: Stephen Huffaker**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brierly, Tracey J.

Attorney

JOURNAL ENTRIES

- Defendant not present as he is currently housed at the Nevada Department of Corrections. Court reviewed documents, stated its findings and ORDERED, motion DENIED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 23, 2006**

00C167783

The State of Nevada vs Gregory S Hermanski

August 23, 2006**9:00 AM****Motion to Stay**

**DEFT'S PRO PER
MTN TO STAY
PROCEEDINGS
&MTN FOR
APPOINTMENT OF
COUNSEL /40 Court
Clerk: Alan Castle
Relief Clerk: Kathy
Klein/kk
Reporter/Recorder:
Kristen Lunkwitz
Heard By: Jennifer
Togliatti**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brierly, Tracey J.
Dickson, Dianne

Attorney
Attorney

JOURNAL ENTRIES

- Court waived Deft's presence. Ms. Dickson appeared on behalf of the Deft. in support of Deft's motion. COURT STATED FINDINGS and ORDERED, motion DENIED. State to prepare the order.
CASE CLOSED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 22, 2010**

00C167783

The State of Nevada vs Gregory S Hermanski

February 22, 2010**9:00 AM****Motion**

**DEFT'S PRO PER
MTN TO CORRECT
AN
ILLEGALSentence
OR IN THE ALT
MTN TO
MODIFY/41 Court
Clerk: Alan Paul
Castle
Reporter/Recorder:
Cheryl Carpenter
Heard By: Jennifer
Togliatti**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Morgan, Shawn A.

Attorney

JOURNAL ENTRIES

- Court waived Defendant's presence, as this Court does not entertain oral arguments in these types of proceedings and determination made specifically on the pleadings. Matter submitted. COURT Finds this Court agrees with State's opposition and ORDERED, motion DENIED. By way of this minute order State to prepare the Findings of Fact, Conclusions of Law that track the State's opposition and notify all interested parties. CASE CLOSED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 05, 2010**

00C167783

The State of Nevada vs Gregory S Hermanski

April 05, 2010**9:00 AM****Motion to Reconsider**

**DEFT'S PRO PER
MTN TO
RECONSIDER /42
Court Clerk: Alan
Paul Castle/ac Relief
Clerk: Shelly
Landwehr
Reporter/Recorder:
Yvette Lester Heard
By: Jennifer Togliatti**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Rinetti, Dena I.

Attorney

JOURNAL ENTRIES

- Court waived Defendant's presence, as this Court does not entertain oral arguments in these types of proceedings and determination made specifically on the pleadings. COURT FINDS no legal cause and ORDERED, motion DENIED. State to prepare the order denying motion and notify interested parties. CASE CLOSED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 09, 2011

00C167783

The State of Nevada vs Gregory S Hermanski

May 09, 2011

8:30 AM

Motion

HEARD BY: Cadish, Elissa F.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Denise Trujillo
Monique Alberto

RECORDER: Jessica Ramirez

REPORTER:

PARTIES

PRESENT:

State of Nevada
Westmeyer, Daniel

Plaintiff
Attorney

JOURNAL ENTRIES

- DEFT'S MOTION TO CORRECT AN ILLEGAL SENTENCE OR, IN THE ALTERNATIVE,
MOTION FOR MODIFICATION OF SENTENCE

Without benefit of argument, COURT stated findings and ORDERED, Motion DENIED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 06, 2011**

00C167783

The State of Nevada vs Gregory S Hermanski

June 06, 2011**8:30 AM****All Pending Motions****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Monique Alberto**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

State of Nevada

Plaintiff

Westmeyer, Daniel

Attorney

JOURNAL ENTRIES

- DEFENDANT'S PRO PER MOTION FOR LEAVE TO FILE SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO CORRECT AN ILLEGAL SENTENCE OR IN THE ALTERNATIVE MOTION FOR MODIFICATION OF SENTENCE...DEFENDANT' PRO PER MOTION FOR LEAVE TO FILE DEFENDANT'S RESPONSE TO STATE'S OPPOSITION TO DEFENDANT'S PRO PER MOTION TO CORRECT AN ILLEGAL SENTENCE OR IN THE ALTERNATIVE MOTION FOR MODIFICATION OF SENTENCE

Without benefit of argument, COURT stated her findings and ORDERED, Deft's Pro Per Motion's DENIED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 29, 2011

00C167783

The State of Nevada vs Gregory S Hermanski

June 29, 2011

8:30 AM

Motion

HEARD BY: Cadish, Elissa F.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Keith Reed
Denise Trujillo

RECORDER: Jessica Ramirez

REPORTER:

PARTIES

PRESENT: Nance, Aaron M. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- NOTICE OF MOTION/MOTION FOR EXTENSION OF TIME

COURT noted the State has not filed the notice of entry of order from May 20, 2011 and ORDERED, Motion DENIED as MOOT; State to file the notice of entry of order from 5/20/2011 and send copy to Deft; Deft. will have 10 days under the rules after the notice of entry to file any motions for reconsideration that may be warranted.

NDC

CLERK'S NOTE: Minutes corrected this date. 7/6/11 dt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 06, 2011

00C167783

The State of Nevada vs Gregory S Hermanski

July 06, 2011

8:30 AM

Motion

HEARD BY: Cadish, Elissa F.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Keith Reed

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT:

Nance, Aaron M.
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- Court noted the motion is premature because the order from May 20, 2011 has not been entered, stated findings and ORDERED, motion for reconsideration DENIED.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140, NNCC, POB 7000, Carson City, Nv. 89702

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 01, 2011**

00C167783

The State of Nevada vs Gregory S Hermanski

August 01, 2011**8:30 AM****Motion For
Reconsideration****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Susan Botzenhart**RECORDER:** Jessica Ramirez**REPORTER:****PARTIES****PRESENT:**Ferreira, Amy L.
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- Deft. not present; incarcerated in the Nevada Department of Corrections (NDC). Court stated based on the Notice of Appeal having been filed in this matter, the Court does not have jurisdiction to entertain this motion. Additionally, if the Court considered the pleadings on the merits, Court will make findings, including that there were no facts of law presented in the relief being requested, and deny the motion. State to prepare the order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140, NNCC, P.O. BOX 7000, Carson City, NV. 89702. /// sj

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 11, 2013

00C167783

The State of Nevada vs Gregory S Hermanski

September 11, 2013 8:30 AM

At Request of Court

HEARD BY: Cadish, Elissa F.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Teresa Slade

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT:

Hamner, Christopher S.
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- Upon review of the Defendant's file, specifically the Second Amended Judgment of Conviction, the Court stated the Deft was not entitled to the credit for time served as it was discovered he was on parole at the time of the offence; the parole was unknown at the time of the original sentencing because the Deft. was using a false name. COURT ORDERED, ZERO (0) DAYS credit for time served STAYS.

NDC

CLERK'S NOTE: A copy of this minute order will be provided to Barbara Belt. (TS 9-20-13)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 08, 2014**

00C167783

The State of Nevada vs Gregory S Hermanski

January 08, 2014**8:30 AM****All Pending Motions****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed
Sylvia Perry**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:** Smith, Tyler D., ESQ Attorney
State of Nevada Plaintiff**JOURNAL ENTRIES**

- DEFENDANT'S PRO SE MOTION TO EXTEND PRISON COPY WORK LIMIT...DEFENDANT'S
PRO SE MOTION TO CORRECT ILLEGAL SENTENCE

In the absence of the Deft., Court stated there will not be any argument and a ruling will be made based upon the papers. Court stated findings and ORDERED, Deft's Pro Se Motion To Correct Illegal Sentence DENIED; Deft's Pro Se Motion To Extend Prison Copy Work Limit DENIED WITHOUT PREJUDICE as the Deft. has not sufficiently established what needs to be copied to warrant the additional copies and needs to explain in more detail what the need for additional copies are.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140,
NNCC, POB 7000, Carson City Nv. 89702

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 03, 2014**

00C167783

The State of Nevada vs Gregory S Hermanski

February 03, 2014**8:30 AM****Motion****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

State of Nevada

Plaintiff

Woodrum, Adam L.

Attorney

JOURNAL ENTRIES

- In the absence of the Defendant the Court stated there will not be any argument and a ruling will be issued on the papers. Court stated findings noting the motion was previously denied without prejudice January 8, 2014, the Defendant has still not made a showing of the need for the copies for any legal purposes and absent of that ORDERED, Defendant's Pro Se Motion To Extend Prison Copy Work Limit DENIED WITHOUT PREJUDICE; State to prepare the order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140, NNCC, POB 7000, Carson City Nv. 89702

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 26, 2014**

00C167783

The State of Nevada vs Gregory S Hermanski

February 26, 2014**8:30 AM****All Pending Motions****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

Smith, Gwynneth F.

Attorney

State of Nevada

Plaintiff

Wilson, Dennis C.

Attorney

JOURNAL ENTRIES

- DEFT'S PRO SE RENEWED MOTION TO EXTEND PRISON COPY WORK LIMIT... PETITION FOR WRIT OF HABEAS CORPUS DEFT S PRO SE MOTION FOR RECONSIDERATION STATE S RESPONSE AND MOTION TO DISMISS DEFT S PETITION FOR WRIT OF HABEAS CORPUS AND FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS.

In the absence of the Defendant the Court stated there will not be any argument and a ruling will be issued based upon the papers. Court stated findings and ORDERED, Defendant's Pro Se Renewed Motion To Extend Prison Copy Work Limit DENIED; Petitioner's Objection And Motion To Strike Respondent's Opposition To Motion To Extend Prison Copy-Work Limit scheduled March 17th is DENIED AS MOOT; Deft's Petition For Writ of Habeas Corpus, Motion For Reconsideration and requests for counsel and an Evidentiary Hearing are DENIED; State s Motion To Dismiss GRANTED; State to prepare the order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140, NNCC, POB 7000, Carson City Nv. 89702

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 19, 2014**

00C167783

The State of Nevada vs Gregory S Hermanski

March 19, 2014**8:30 AM****Motion to Vacate****Defendant's Motion
to Vacate Habitual
Felon Adjudication
and Sentence****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Katherine Streuber**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**DiGiacomo, Sandra
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- Without argument, Court advised sentenced imposed was not an illegal sentence, noted case had been previously examined by this Court and the Supreme Court and ORDERED, motion DENIED. State to prepare the order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski #69140 c/o Northern Nevada Correctional Center, P.O. Box 7000, Carson City, NV 89702. 03/24/14 kls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 30, 2014**

00C167783

The State of Nevada vs Gregory S Hermanski

April 30, 2014**8:30 AM****All Pending Motions**

**Deft's Pro Se Motion
for leave to File
Motin for
Reconsideration...Def
t's Pro Se Motion for
Reconsideration ...
State's Opposition to
Defendant's Motion
For Reconsideration
and Countermotion
For Determination of
Vexatious Litigation
and Request For
Order to Show Cause
Why The Court
Should Not Issue a
Pre-Filing Injunction
Order**

HEARD BY: Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed
Sharon Chun**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES
PRESENT:****JOURNAL ENTRIES**

- Michelle Sudano, Deputy District Attorney present.

COURT NOTED that Deft is incarcerated at Nevada Department of Corrections and the Court will hear no argument today.

COURT STATED its position on each motion and ORDERED:

Both of the Deft's Pro Se Motions, DENIED.

COURT FURTHER ORDERED, State's Countermotion, DENIED.

COURT NOTED that the Judgments of Convictions were available and reviewed before Deft was sentenced as a Habitual Criminal. COURT STATED it warns Defendant that he can take up his issues with the Nevada Supreme Court and not this Court re habitual criminal treatment, absence of new facts or law, or he will be subject to sanctions.

NDC

CLERK'S NOTE: A copy of this minute order has been distributed to Deft:

Gregory Scott Hermanski #69140

Northern Nevada Correctional Center

P.O. Box 7000

Carson City, NV 89202

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 29, 2015**

00C167783

The State of Nevada vs Gregory S Hermanski

April 29, 2015**8:30 AM****Motion****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**State of Nevada
Villani, Jacob J.Plaintiff
Attorney**JOURNAL ENTRIES**

- Defendant not present.

Court noted the Defendant seeks to be transported for the proceedings of June 17, 2015 and in the view of the Court there is no need for the Defendant's appearance as there is no Evidentiary Hearing, the record will not be expanded, and if an Evidentiary Hearing is needed the Defendant will be transported. COURT ORDERED, Defendant's Pro Per Motion For Prisoner Transportation (Oral Argument Requested) DENIED

NDC

6-17-15 8:30 AM DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS;
DEFENDANT'S MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

CLERK'S NOTE: The above minute order has been distributed to: Gregory Scott Hermanski #69140, NNCC, POB 7000, Carson City Nv. 89702

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 17, 2015**

00C167783

The State of Nevada vs Gregory S Hermanski

June 17, 2015**8:30 AM****All Pending Motions****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

State of Nevada

Plaintiff

Thoman, Charles W.

Attorney

JOURNAL ENTRIES

- Defendant's Pro Se Petition For Writ Of Habeas Corpus...Defendant's Pro Se Motion For Leave To Proceed In Forma Paupers

In the absence of the Defendant, Court stated there will not be any argument and a ruling will be issued based upon the papers. Court stated findings and ORDERED, Motion To Dismiss Defendant's Pro Se Petition For Writ Of Habeas Corpus GRANTED; Defendant's Request For Evidentiary Hearing DENIED; Defendant's Pro Se Motion For Leave To Proceed In Forma Paupers GRANTED; State to prepare the order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Gregory S. Hermanski # 69140, NNCC POB 7000, Carson City Nv. 89702

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 13, 2019

00C167783

The State of Nevada vs Gregory S Hermanski

November 13, 2019 9:30 AM Motion

HEARD BY: Bluth, Jacqueline M.

COURTROOM: RJC Courtroom 10C

COURT CLERK: Keith Reed

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:

Clowers, Shanon
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- Court stated findings and ORDERED, Motion To Correct Judgment of Conviction DENIED; State's to prepare the order.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 04, 2019

00C167783

The State of Nevada vs Gregory S Hermanski

December 04, 2019 9:30 AM Motion

HEARD BY: Bluth, Jacqueline M.

COURTROOM: RJC Courtroom 10C

COURT CLERK: Keith Reed

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:	Clowers, Shanon	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court stated findings and ORDERED, Supplemental Motion To Correct Judgment of Conviction DENIED. Ms. Clowers stated an order will be prepared.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 09, 2019

00C167783

The State of Nevada vs Gregory S Hermanski

December 09, 2019 9:30 AM Motion

HEARD BY: Bluth, Jacqueline M.

COURTROOM: RJC Courtroom 10C

COURT CLERK: Keith Reed

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:	Albright, Brandon B.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court stated findings and ORDERED, Motion For Enlargement of time DENIED as the motion has already been ruled on.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 28, 2020

00C167783

The State of Nevada vs Gregory S Hermanski

**December 28, 2020 10:15 AM Motion to Correct Clerical
Mistake**

HEARD BY: Silva, Cristina D.

COURTROOM: RJC Courtroom 10C

COURT CLERK: Keith Reed

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT: State of Nevada Plaintiff
 Turner, Robert B. Attorney

JOURNAL ENTRIES

- COURT ORDERED, proceedings CONTINUED for the State to respond.

NDC

2-8-21 11:00 AM MOTION TO CORRECT CLERICAL MISTAKE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 08, 2021

00C167783

The State of Nevada vs Gregory S Hermanski

February 08, 2021

11:00 AM

**Motion to Correct Clerical
Mistake**

HEARD BY: Bluth, Jacqueline M.

COURTROOM: RJC Courtroom 10C

COURT CLERK: Keith Reed

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:

Overly, Sarah
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- Court noted the lack of an opposition. Ms. Overly requested 45 days to respond. COURT ORDERED, State's response is due March 22nd; proceedings CONTINUED.

NDC

3-29-21 11:00 AM MOTION TO CORRECT CLERICAL MISTAKE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 08, 2021

00C167783

The State of Nevada vs Gregory S Hermanski

March 08, 2021

11:00 AM

Motion to Correct Sentence

HEARD BY: Craig, Christy

COURTROOM: RJC Courtroom 10C

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Kaihla Berndt

REPORTER:

PARTIES

PRESENT:

Overly, Sarah
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED to be heard by assigned Judge.

NDC

CONTINUED TO: 03/22/21 11:00 AM

CLERK'S NOTE: The above minute order has been distributed to: Gregory Hermanski #69140,
NNCC, PO Box 7000, Carson City, NV 89702

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 09, 2021**

00C167783

The State of Nevada vs Gregory S Hermanski

March 09, 2021**11:30 AM****Minute Order****HEARD BY:** Bluth, Jacqueline M.**COURTROOM:** Chambers**COURT CLERK:** Madalyn Kearney**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Defendant's motion to correct illegal sentence is DENIED. "The [district] court may correct an illegal sentence at any time." Edwards v. State, 112 Nev. 704, 707, 918 P.2d 321, 324 (1996). "Motions to correct illegal sentences address only the facial legality of a sentence. An illegal sentence is "one at variance with the controlling sentencing statute or 'illegal' in the sense that the court goes beyond its authority by acting without jurisdiction or imposing a sentence in excess of the statutory maximum provided." Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

Here, defendant has failed to show that his sentence is at variance with the controlling statute or that the court went "beyond its authority by acting without jurisdiction or imposing a sentence in excess of the statutory maximum provided." First, Defendant's claim that the court's "written judgment" does not reflect the Court's adjudication of guilt as to counts I and II is unfounded. Defendant's Second Amended Judgment of Conviction is clear that he was found guilty of counts 1 and 2 and was thereby adjudicated guilty under the habitual criminal statute. See SAJOC 7/27/06.

Defendant next argues that the only reference to "guilt" in the second amended judgment of conviction is the finding of the jury and that "a verdict of the jury is not a final determination." However, it is clear from the Second Amended Judgment of Conviction that the finding of guilt and sentence imposed was an Order of the Court. Accordingly, Defendant's Motion is denied.

Furthermore, the March 22, 2021 proceeding on the matter is hereby vacated.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Madalyn Kearney, to all registered parties for Odyssey File & Serve. /mk 3/9/21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 25, 2021**

00C167783

The State of Nevada vs Gregory S Hermanski

March 25, 2021**3:00 AM****Minute Order****HEARD BY:** Bluth, Jacqueline M.**COURTROOM:** Chambers**COURT CLERK:** Kristen Brown**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Defendant s Motion to Correct Clerical Mistake is DENIED. Defendant argues that the Second Amended Judgment of Conviction incorrectly states that the jury, rather than the court found that defendant was a habitual felon under NRS 207.012. He also argues that the SAJOC incorrectly states the charges and fails to reference the statutes violated. Defendant suggests that his sentence as a habitual felon is extra-statutory and illegal and asks that the SAJOC be amended.

Defendant s request is more properly construed as a motion to correct illegal sentence. The [district] court may correct an illegal sentence at any time. Edwards v. State, 112 Nev. 704, 707, 918 P.2d 321, 324 (1996). Motions to correct illegal sentences address only the facial legality of a sentence. An illegal sentence is one at variance with the controlling sentencing statute or illegal in the sense that the court goes beyond its authority by acting without jurisdiction or imposing a sentence in excess of the statutory maximum provided. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

Defendant indicates that page 1, line 21 of his Second Amended JOC should probably state Court instead of Jury. However, there really is no need for a correction because there is no potential for confusion. Defendant s Second Amended JOC is clear that he was found guilty of Counts 1 and 2 and was thereby adjudicated guilty under the habitual criminal statute. It should be noted that the wording for which Defendant complains was also contained in the Amended JOC filed in 2003, which was reviewed by the Nevada Supreme Court during his post-conviction petition for writ of habeas corpus appeal. Although the Nevada Supreme Court remanded the case to the Court to make

a minor correction to the wording regarding Defendant s habitual criminal adjudication, the Nevada Supreme Court found no need to correct the language regarding Defendant s adjudication of guilty for Counts 1 and 2. Therefore, the request should be DENIED.

Further, as previously stated in this Court s ruling on Defendant s Motion to Correct Illegal Sentence, Defendant has failed to show that his sentence is at variance with the controlling statute or that the court went "beyond its authority by acting without jurisdiction or imposing a sentence in excess of the statutory maximum provided." (Minute Order 3/9/21). Defendant's Second Amended Judgment of Conviction is clear that he was found guilty of counts 1 and 2 and was thereby adjudicated guilty under the habitual criminal statute. See SAJOC 7/27/06. Accordingly, Defendant's Motion is denied.

CLERK'S NOTE: A copy of this minute order was distributed to: Karen Mishler, Deputy District Attorney and Deft. Gregory Hermanski./kb 3-25-21

DEFENDANT'S EXHIBITS:

CASE NO. C167983

	OFFERED	ADMITTED
A. <u>PHOTO - RBT. JAMES DAY</u>	<input type="checkbox"/>	<input type="checkbox"/>
B. _____	<input type="checkbox"/>	<input type="checkbox"/>
C. _____	<input type="checkbox"/>	<input type="checkbox"/>
D. _____	<input type="checkbox"/>	<input type="checkbox"/>
E. _____	<input type="checkbox"/>	<input type="checkbox"/>
F. _____	<input type="checkbox"/>	<input type="checkbox"/>
G. _____	<input type="checkbox"/>	<input type="checkbox"/>
H. _____	<input type="checkbox"/>	<input type="checkbox"/>
I. _____	<input type="checkbox"/>	<input type="checkbox"/>
J. _____	<input type="checkbox"/>	<input type="checkbox"/>
K. _____	<input type="checkbox"/>	<input type="checkbox"/>
L. _____	<input type="checkbox"/>	<input type="checkbox"/>
M. _____	<input type="checkbox"/>	<input type="checkbox"/>
N. _____	<input type="checkbox"/>	<input type="checkbox"/>
O. _____	<input type="checkbox"/>	<input type="checkbox"/>
P. _____	<input type="checkbox"/>	<input type="checkbox"/>
Q. _____	<input type="checkbox"/>	<input type="checkbox"/>
R. _____	<input type="checkbox"/>	<input type="checkbox"/>
S. _____	<input type="checkbox"/>	<input type="checkbox"/>
T. _____	<input type="checkbox"/>	<input type="checkbox"/>
U. _____	<input type="checkbox"/>	<input type="checkbox"/>
V. _____	<input type="checkbox"/>	<input type="checkbox"/>
W. _____	<input type="checkbox"/>	<input type="checkbox"/>
X. _____	<input type="checkbox"/>	<input type="checkbox"/>
Y. _____	<input type="checkbox"/>	<input type="checkbox"/>
Z. _____	<input type="checkbox"/>	<input type="checkbox"/>

VAULT EXHIBIT FORM

CASE NO. C/67783

TRIAL DATE: 5/9/01

DEPT. NO. IV

JUDGE: KATHY HADCASTLE

CLERK: BILLIE JO CRAIG

THE STATE OF NEVADA

REPORTER: TINA SMITH

PLAINTIFF

ROBERT JAMES DAY

JOHN T. FATTIG

COUNSEL FOR PLAINTIFF

DIANNE JACKSON

COUNSEL FOR DEFENDANT

DEFENDANT

	OFFERED DATE	OBJ	ADMITTED	
			DATE	
1) VIOLATION RPT. DATED 3/27/80	5/9	✓		
2) DEPT. OF JUSTICE, CERTIFICATE OF REC., 1/11/01	5/9	✓		
3) JUDGMENT OF COMMITMENT, FILE NO. 83 CRS 17476 # 77992	5/9	✓		
4) INDICTMENT, 94 CRS 4336	5/9	✓		
A) FBI, FORM FD-249	5/9	✓		
B) NOTICE OF ACTION, 2/7/96	5/9	✓		
C) NOTICE OF ACTION, 10/25/95	5/9	✓		

5/9/01

DEFENDANT'S EXHIBITS:

State of Nevada
vs

Robert James Day
Judge Hardcastle (Kathy)
Clt Recorder: Jina Smith
Court Clerk: Dorothy Kelley

12-4-02
State's atty: Scott Mitchell
Defense atty: Dianne Dickson

CASE NO. C 167783

OFFERED ADMITTED

A. ✓ Warrant Application & Warrant - Gregory Hermanaki
B. ✓ Copy of Birth Certificate - Robert Lee Day

☐☐☒

12/4/02

☐☒

12/4/02

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EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

GREGORY SCOTT HERMANSKI #69140
P.O. BOX 7000
CARSON CITY, NV 89702

DATE: May 14, 2021
CASE: 00C167783

RE CASE: STATE OF NEVADA vs. GREGORY S. HERMANSKI aka ROBERT JAMES DAY

NOTICE OF APPEAL FILED: May 13, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

☐

Case Appeal Statement

- NRAP 3 (a)(1), Form 2

☒

Order

☒

Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

GREGORY S. HERMANSKI
aka ROBERT JAMES DAY,

Defendant(s).

Case No: 00C167783

Dept No: VI

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 14 day of May 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk