

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY LYNN LEWIS,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Electronically Filed
Jun 02 2021 09:58 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No: A-21-827377-W

Docket No: 82942

RECORD ON APPEAL

ATTORNEY FOR APPELLANT

GARY LEWIS #47615,
PROPER PERSON
1200 PRISON RD.
LOVELOCK, NV 89419

ATTORNEY FOR RESPONDENT

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

A-21-827377-W

**Gary Lewis, Plaintiff(s)
vs.
State of Nevada, Defendant(s)**

I N D E X

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14 PAS 4/EXS

1 GARY L. LEWIS BAC NO 47615

ORIGINAL

2 LCC 1203 PH 301 Rd

3 Love Lock, NV 89419

FILED

JAN - 5 2021

CLERK OF COURT

4

5

6

7

DISTRICT COURT OF NEVADA

8

CLARK COUNTY NEVAD

9

A-21-827377-W
Dept. 12

10

11 GARY LYNN LEWIS,

Case No. C129824X

12

Petitioner,

DEPT - No. XII

13

14

VS.

15

PETITION FOR WRIT OF
HABEAS CORPUS Pursuant

16

THE STATE OF NEVADA,

TO NRS 34-900-34990 -

17

Resident(s)

Factual Innocence & based

18

on Newly Discovered Evidence and/or Evidence

19

Not Available to the Petitioner before or at

20

the time of Sentencing & Withdrawal of PLEA

21

22

"Comes Now," Petitioner and Petitioner in Pro Se

23

and moves this Court for a Petition for Writ of

24

Habeas Corpus Pursuant to the above entitled

25

actions, "and Further Based on Ineffective

26

Assistance of Counsel.

27

28

MEMORANDUM OF POINTS AND
AUTHORITIES

RECEIVED
DEC - 8 2020

CLERK OF THE COURT

1 (T) Petitioner is entitled to An evidentiary hearing
2 based on NRS 34.900 to 34.990 (Added to NRS
3 by 2019-2976. Petitioner is further entitled
4 to an Evidentiary hearing and his Ineffective
5 Assistance of Counsel Claims Pursuant
6 to Kyle J. Rodney v. Timothy Filson-United
7 States Court of Appeals for the Ninth Cir.
8 916 F.3d 1254; 2019 U.S. App. LEXIS 6330 No 17-
9 18438 (December/21/2018) The Panel Vacated
10 the district Court's denial of Nevada State
11 Prisoner Kyle J. Rodney's Pro se Habeas
12 Corpus Petition and remanded for the district
13 Court to conduct an analysis of the —
14 Substantiality of Rodney's Ineffective —
15 Assistance of Counsel (IAC) claims Pursuant
16 to Martinez v. Ryan, 566 U.S. 1, 132 S.Ct. 1309, 182 L.Ed.
17 2d 272 (2012) Without allowing discovery, holding an
18 evidentiary hearing, or engaging in a Martinez analysis—
19 "Further," The Panel explained that because —
20 Rodney was not represented by Counsel —
21 during his initial-review Collateral Proceeding, he
22 need only show that his IAC claims are—
23 Substantial in order to excuse any Procedural
24 default if applicable. The ninth Circuit stated
25 that Remand was required because the district Ct
26 failed to conduct a Martinez analysis and thus,"
27 did not make any findings on whether —
28 Petitioner's Ineffective assistance of Counsel Claims—

1 were substantial and the record was insufficiently
2 developed to conclusively evaluate the substantiality-
3 of the claim.

4
5 II. PETITIONER'S PLEA WAS MADE INVOLUNTARILY IN-
6 VIOLATION OF PETITIONER'S [6th] and [14th]
7 AMENDMENT TO THE UNITED STATES CONSTITUTION-
8 DUE TO COUNSEL'S INEFFECTIVENESS IN THE
9 ASSISTANCE OF MY CASE

10 In (1995) at Southern Desert Correctional Center-
11 I was diagnosed with (Bipolar Syndrome), and
12 other Psychotic episodes such as Schizophrenia
13 and manic depression. U.S. v. Kauffman, 199 F.3d 186 -
14 (CA3 1997). In this case, minimal factual investigation-
15 by Zibagush would have uncovered Kauffman's
16 long standing history of bipolar syndrome and-
17 numerous psychotic episodes leading to multiple
18 psychiatric issues. Had Counsel interviewed
19 and investigated witnesses and family
20 members that were aware of Petitioner's condition
21 Counsel would have been in the position to
22 establish a defense that would have bolstered
23 the facts that Petitioner was not competent to
24 stand trial nor knowingly and intentionally
25 except a plea deal. Petitioner's denial of appropriate
26 treatment for his mental conditions exempts his
27 ability to stand trial or except any plea deal.
28 See: U.S. v. Burrows, 872 F.2d 915 (CA9 1989). A mental-
29 state defense may have been a plausible defense-

1 Burrows. [Just like it would have been [E
2 for Petitioner had Counsel exercised due
3 diligence in interviewing and investigating the
4 case]. In Burrows, "There was Evidence that
5 Burrow had ceased taking the Psychotropic
6 drugs, suffered a relapse of his Paranoid schizophrenia,
7 became withdrawn, suffered from memory loss
8 and severe mood swings and could not carry on
9 a logical conversation may have convinced The
10 Court that Burrows did not Possess the appropriate
11 Mental State to attempt to [REDACTED] Commit his
12 alleged crime. The Court ruled that an evidentiary-
13 hearing was necessary to determine whether
14 Psychiatric evidence would have changed the result
15 of the trial, in Petitioner's Position (PEA) disposition.
16 See, also Antwine v. Delo, 54 F.3d 1357 (CA8 1995)
17 Counsel's Failure to request a second mental
18 examination is more like inadequate preparations
19 than a strategic choice [holding the sentencing -
20 Portion unconstitutional under the Sixth Amendment.
21 "Further," See: DeLuca v. Lord, 77 F.3d 578 (CA2 1996).
22 The district Court granted this Petition on the
23 grounds that DeLuca's Counsel in her state Court-
24 trial was ineffective. Counsel should have investigated
25 and interviewed witnesses, Medical Providers and other
26 family members that could have testified on
27 Petitioner's life style and behaviors and Mental
28 Conditions. An Evidentiary hearing is required -
to determine Petitioner's Factual Innocence.

III. PETITIONER IS ACTUALLY INNOCENT

NRS 34.960 States (1) At any time after the expiration of the Period during which A Motion for a new trial based on newly discovered evidence may be Made Pursuant to NRS 176.515, a Person who has been convicted of a felony may Petition the district Court in the County in which the Person was convicted for a hearing to establish the factual innocence of the Person based on newly discovered evidence. A Petition filed Pursuant to Subsection (1) must contain an assertion of factual innocence under oath by the Petitioner and must aver, with supporting affidavits or other credible documents, that newly discovered evidence exists that is specifically identified and, if credible, establishes a bona fide issue of factual innocence. Petitioner is aware, and has always suspected that there is evidence in the State's Custody that could vindicate Petitioner, and the State is failing to provide and or present this evidence in violation of the Brady Clause and the (14th) Amendment to Due Process of law, Equal, fair treatment and Protection. see EX'S A and B. Petitioner requested A Genetic-Marker Analysis of Evidence within the Possession or Custody of the State of Nevada Case No. 95CG129324. Petitioner was denied the use of this exculpatory evidence, which would have gone towards Petitioner's Actual-

1 innocence, vindicating me.

2 **NOTE:** The Supreme Court of the United States

3 ruled that (Plea bargain negotiations between [5-

4 alleged criminals and prosecutors are now under-

5 Constitutional Scrutiny, because a divided -

6 Supreme Court ruled that convictions can be over-

7 turned if defense lawyers don't adequately assist

8 clients in deciding whether to accept such offers.

9 The Court went on to say, "its decision could affect

10 nearly every criminal case in the United States,

11 where more than 9 in 10 convictions come by guilty

12 Pleas. In a rare move Justice use to underscore

13 their objections, Justice Antonin Scalia read his-

14 dissent aloud from the bench. "He said the Court's

15 decision "upends decades of our cases... and opens

16 a whole new boutique of Constitutional Jurisprudence."

17 Plea bargaining law even though there is no legal

18 right to be offered a Plea bargain.

19 "In the United States, we have plea bargaining

20 a plenty, but until today, it has been regarded

21 as a necessary evil," said Scalia, who was on the

22 losing side of two 5-4 decisions on the issue."

23 Today, however, the Supreme Court elevates plea-

24 bargaining from a Necessary Evil to a Constitu-

25 tional entitlement. It is no longer a some-

26 what embarrassing adjunct to our criminal

27 Justice system; rather as the Court announces-

28 it ~~is~~ is the criminal justice system. The two -

1 majority opinions both written by Justice
2 Anthony Kennedy, have potentially broad impact
3 because 97 percent of Federal convictions and 94
4 percent of state convictions in (2009) were
5 obtained by a guilty plea, according to the Justice
6 Department. The ruling crafted by Justice Anthony-
7 Kennedy, means that criminal defense lawyers
8 are now required to inform their clients of plea-
9 bargain offers regardless of whether they think the -
10 client should accept them, and must give their clients good -
11 advice on whether to accept a plea bargain at all stages
12 of prosecution. If they don't, Kennedy said, they will run
13 afoul of the Sixth Amendment guarantee that criminal
14 defendants have a right to assistance of effective
15 counsel. [Actual innocence Fundamental Mis Marriage of -
16 Justice is an exception to Cause for Procedural default -
17 Murray V. Carrier - 477 U.S. 478, 496, 106 S.Ct. 2639, 2649,
18 50-91 L.Ed. 2d 397 (1985). The S.Ct., although cautioning
19 that it would not always be true, instructed that whether &
20 or where a constitutional violation has ^{factually} resulted
21 in the conviction of one who is actually innocent, means
22 factual innocence, not mere legal insufficiency. See also
23 Dwyer V. Adams, 489 U.S. at 401, 411 n.6, 109 S.Ct. 1211, 1217 -
24 116-103 L.Ed. 2d 435 (1989). A credible claim of
25 actual innocence involves the petitioner's supporting
26 his constitutional claims with new reliable evidence
27 whether it be exculpatory scientific evidence, trust worthy,
28 eyewitness accounts, or critical physical -

1 evidence that was not presented at trial." Id.
2 The Court is not bound by the rules of admissibility
3 that would govern at trial and should consider the probative
4 force of the relevant evidence that was critical and
5 either excluded or unavailable at trial. Petitioner meets
6 the threshold requirements and persuades the district
7 court that in light of the new evidence, no juror, acting
8 reasonably, would have voted to find Petitioner guilty
9 beyond a reasonable doubt" Id, Also See McClay V.
10 Norris, 958 F.Supp. 426 E.D.Ark 1996

11 IV PETITIONER'S COUNSEL WAS INEFFECTIVE FOR
12 FAILING TO OBTAIN AND INVESTIGATE MEDICAL
13 RECORDS, IN VIOLATION OF PETITIONER'S (SIXTH)
14 AND FOURTEENTH AMENDMENT TO THE UNITED STATES-
15 CONSTITUTION

16 had counsel obtained, "and through due diligence
17 thoroughly investigated into Petitioner's Medical -
18 records and Medical history counsel would
19 have been equipped with a strong defense that
20 could have, "and still will bolster Petitioner's
21 Petitioner's Innocence. See: Cheung V Matlock, 32-
22 F.Supp. 2d 1150 (N.D.Cal (1998). This Court concludes -
23 that defense Counsel's failure to investigate -
24 Haskins Medical records amounts to incompetence
25 under the first prong of Strickland. Petitioner
26 is illiterate and was not competent to stand trial
27 not except a plea deal. A complete Medical
28 examination would have uncovered that Petitioner-

1 had a mental disorder," as have also been
2 mandated since Petitioner's incarceration.
3 Petitioner's Plea should be dismissed due
4 to the fact that it was not knowingly and
5 voluntarily, Petitioner was coerced into taking
6 this Plea deal by ineffective Counsel.

7 Relief is warranted, Petitioner's Plea Deal
8 is unconstitutional. And Discovery is
9 required along with an Evidentiary hearing
10 to complete the establishment of Petitioner's
11 Innocence.

12 IV THE COURT SHOULD HAVE GRANTED AN
13 OVERALL ANALYSIS OF THE DNA & ABUSED
14 IT'S DISCRETION AND VIOLATING PETITIONER'S
15 (1st) (6th) and (14th) AMENDMENT RIGHTS

16 The Court's Failure to intervene and allow an
17 analysis of the DNA denied Petitioner an adequate
18 access to the Court, which violates Petitioner's
19 First Amendment, and Fourteenth Amendment to
20 due process of law equal fair treatment and
21 Protection. And (6th) sixth amendment denying
22 Counsel the chance to adequately defend and
23 establish meaningful defenses subjecting
24 the State's Prosecutor to a meaningful procedure,
25 and also creates a Brady Violation. See: -
26 Chewung V. Maddock, 32 F. Supp. 2d 1150 (N.D. Cal 1998)
27 Prosecution's Failure to release evidence of M's
28 blood alcohol level which was both favorable and -

1 material to the defense and Violated Petitioner's
2 due Process Rights to a fair trial Under Body.
3 This Parallels with Petitioner's issues that's
4 Presented for review. Had these Violations
5 not happened, "A jurist of reason could find that
6 Petitioner was not Competent to stand trial,
7 except any Plead deal, and could have been found
8 to be actually innocent - See: Toney / Gammon 79-
9 F.3d 693 (8th Cir. 1996). Habeas Petitioner was entitled
10 to thorough discovery to access to state's evidence
11 to conduct DNA and other Scientific testing, Court's
12 denial or discovery is an abuse of discretion if
13 discovery is indispensable to a fair, rounded development
14 of material facts.

16 CONCLUSION

17 Petitioner is entitled to an Evidentiary
18 hearing and full discovery to fully establish
19 his Innocence and Inability to stand trial
20 OR except a Competent Plead, OR other relief
21 the Court may deem Necessary.

23 Dated This 3rd Day of Dec. 2020

24 SIGNATURE: Gary J. Lewis

25 NAME: Gary Lewis

27 Certificate of Service

28 Petitioner Certify that I Presented a true
and correct copy of the Petition for writ of -

1 Habeas Corpus by Presenting same to the
2 LCC's Law Library Clerk for mailing by
3 U.S. Mailing Postage Prepaid and addressed
4 as follows. Dated This 3rd Day of Dec. 2020

5
6 Clerk of the Court Aaron Ford - NV A.G.
7 Regional Justice Center 100 N. Carson Street
8 200 Lewis Ave 3rd Fl - Carson City, NV
9 Las Vegas, NV 89155 - 1160 89701-4717
10 (Phone: 775-684-1265)

11
12 District Attorney
13 Steven B. Walston ESQ
14 200 Lewis Avenue
15 Las Vegas, NV 89155

16
17 SIGNATURE: Gary J. Lewis
18 NAME: Gary Lewis

19
20
21 AFFIRMATION PURSUANT TO NRS
22 239B030 - Petitioner certifies that
23 the Petition & Exhibits does not contain
24 the Social Security Number of any person
25 Dated This 3rd Day of Dec. 2020

26 SIGNATURE: Gary J. Lewis
27 NAME: Gary Lewis

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE No. 95C129824

ENTIRE PROCEEDING WAS IN DIRECT VIOLATION OF THE CONSTITUTION COURT ORDERED. Motion DENIED. DEFENDANT'S PRO PER POST CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN THE POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918) Court stated it is not sure if there is evidence for testing. Mr. Ponticello advised State filed a written opposition. further noting he will not argue this as Defl. is not present in Court. Thereafter, State submitted on the pleadings. Court reviewed the Motion, noting it is inclined to allow to have testing, due to Defl. entering a plea pursuant to Alford. Court further noted Defl. needs to provide three points on the equitable latches arguments, including whether or not there was excusable delay, implied review, and if circumstances exist whether or not prejudiced by the State. COURT ORDERED, no ruling will be done at this time on this motion. Greg Denue, Esq. is hereby APPOINTED to review the motion to determine whether or not it would be advantageous to do analysis of the DNA evidence. NDC CLERK'S NOTE: A copy of the above minute order has been delivered by regular mail to: Gary Lewis #47615, S.D.C.C., P.O. BOX 208, Indian Springs, NV 89070. /s/ sj ;

05/20/2020

Minute Order (8:00 AM) (Judicial Officer: Leavitt, Michelle)

Minute Order - No Hearing Held:

Journal Entry Details:

Motion for Production of Transcripts at States Expense The Motion for Production of Transcripts at States Expense is denied. The hearing scheduled for May 21, 2020 is vacated. State to prepare the order. CLERK'S NOTE: The above minute order has been distributed to: 'Parker Brooks' <Parker.Brooks@clarkcountynvda.com>; 'Yolanda Drofyicz' <Yolanda.Drofyicz@clarkcountynvda.com>; hvp/5/20/20;

05/21/2020

CANCELED Motion for Production of Transcript (12:00 PM) (Judicial Officer: Leavitt, Michelle)

Vacated - per Judge

Motion for Production of Transcripts at State Expense

EX-A

95C129824

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 22, 2011

95C129824

The State of Nevada vs Gary L. Lewis

December 22, 2011

8:30 AM

All Pending Motions
(12/22/2011)

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT:

Ponticello, Frank M.
State of Nevada

Deputy District Attorney
Plaintiff

JOURNAL ENTRIES

Deft. not present; incarcerated in the Nevada Department of Corrections (NDC).

DEFENDANT'S PRO PER MOTION TO WITHDRAW THE ALFORD PLEA FOR THE ENTIRE PROCEEDING WAS IN DIRECT VIOLATION OF THE CONSTITUTION

COURT ORDERED, Motion DENIED.

DEFENDANT'S PRO PER POST CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN THE POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918)

Court stated it is not sure if there is evidence for testing. Mr. Ponticello advised State filed a written opposition, further noting he will not argue this as Deft. is not present in Court. Thereafter, State submitted on the pleadings. Court reviewed the Motion, noting it is inclined to allow to have testing, due to Deft. entering a plea pursuant to Alford. Court further noted Deft. needs to provide three points on the equitable laches arguments, including whether or not there was excusable delay, implied review, and if circumstances exist whether or not prejudiced by the State. COURT ORDERED, no ruling will be done at this time on this motion; Greg Denu, Esq. is hereby APPOINTED to review the motion to determine whether or not it would be advantageous to do

PRINT DATE: 12/22/2011

Page 1 of 2

Minutes Date:

December 22, 2011

↑
Exhibit - B

95C129824

analysis of the DNA evidence.

NDC

CLERK'S NOTE: A copy of the above minute order has been delivered by regular mail to: Gary Lewis #47615, S.D.C.C., P.O. BOX 208, Indian Springs, NV 89070. /// sj

PRINT DATE: 12/22/2011

Page 2 of 2

Minutes Date:

December 22, 2011

Exhibit - B

Lovelock Correctional Center

U.S. POSTAGE



Gary Lewis # 47615
Lovelock Correctional Center
1200 Prison Rd
Lovelock NV 89419

Clerk of the Court
Regional Justice Center
200 Lewis Ave., 3rd floor
Las Vegas, NV 89155

RECEIVED

DEC - 9 2020

CLERK OF THE COURT

INMATE LEGAL
MAIL CONFIDENTIAL

Lovelock Correctional Center



U.S. POSTAGE
ZIP 89419 \$
02 4M
00003406751

Gary Lewis # 47615

Lovelock Correctional Center

1200 Prison Rd

Lovelock NV 89419

Clerk of the Court

Regional Justice Center

200 Lewis Ave. 3rd Floor

Las Vegas, NV 89155

RECEIVED

DEC - 9 2020

CLERK OF THE COURT

INMATE LEGAL
MAIL CONFIDENTIAL

1 PPOW

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5 Gary Lewis,

6 Petitioner,

7 vs.

8 State of Nevada,

9 Respondent,

Case No: A-21-827377-W
Department 12

**ORDER FOR PETITION FOR
WRIT OF HABEAS CORPUS**

10
11 Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on
12 January 05, 2021. The Court has reviewed the Petition and has determined that a response would assist
13 the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and
14 good cause appearing therefore,

15 **IT IS HEREBY ORDERED** that Respondent shall, within 45 days after the date of this Order,
16 answer or otherwise respond to the Petition and file a return in accordance with the provisions of NRS
17 34.360 to 34.830, inclusive.

18 **IT IS HEREBY FURTHER ORDERED** that this matter shall be placed on this Court's
19 Calendar on the _____ day of _____, 20____, at the hour of
20 _____ o'clock for further proceedings.
21
22
23
24

25 _____
26 District Court Judge
27
28

Heather S. Smith
CLERK OF THE COURT

271

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

GARY L. LEWIS,
Petitioner, Case No. A-21-027327-W
vs. Dept No. 12
STATE OF NEVADA,
Respondents. / STATUS CHECK

Comes Now, Gary L. Lewis, requesting a Status Check,
in the above entitled Case No. This legal document
and all future documents, are prepared by the
legal assistance here of L. G. C. in Mr. Lewis
behalf, because of his mental incompetence.

x Deaz 2-Jews
Gary L. Lewis, #47615,
Lovelock Corrections Center
1200 Prison Road,
Lovelock, Nevada 89419.

Dated: 2-22-21

RECEIVED

MAR - 1 2021

CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing: Status Check to the below address(es) on this 22 day of February, 2021, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

Eighth Judicial District Court
200 Lewis Avenue
Las Vegas, Nevada 89155-2311

x Gay L. Lewis
Gay L. Lewis #47615
 Lovelock Correctional Center
 1200 Prison Road
 Lovelock, Nevada 89419

_____ In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding Status Check filed in District Court Case No. A-21-827327-W does not contain the social security number of any person.

Dated this 22 day of February, 2021.

x Gay L. Lewis
Gay L. Lewis #47615

_____ In Pro Se

Gary L. Lewis #42615
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

RENO NV 895

24 FEB 2021 PM 3 L



RECEIVED

MAR - 1 2021

CLERK OF THE COURT

**INMATE LEGAL
MAIL CONFIDENTIAL**

Eighth Judicial District Court
200 Lewis Avenue
Las Vegas, Nevada 89155-2311

89101\$6300 COT



Legal Mail

LCC LAW LIBRARY
FEB 23 2021

RECEIVED

OSCC

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

GARY LEWIS, PLAINTIFF(S)	CASE NO.: A-21-827377-W
VS.	
STATE OF NEVADA, DEFENDANT(S)	DEPARTMENT 12

CIVIL ORDER TO STATISTICALLY CLOSE CASE

Upon review of this matter and good cause appearing,
IT IS HEREBY ORDERED that the Clerk of the Court is hereby directed to
statistically close this case for the following reason:

DISPOSITIONS:

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | Default Judgment |
| <input type="checkbox"/> | Judgment on Arbitration |
| <input type="checkbox"/> | Stipulated Judgment |
| <input type="checkbox"/> | Summary Judgment |
| <input type="checkbox"/> | Involuntary Dismissal |
| <input type="checkbox"/> | Motion to Dismiss by Defendant(s) |
| <input type="checkbox"/> | Stipulated Dismissal |
| <input type="checkbox"/> | Voluntary Dismissal |
| <input type="checkbox"/> | Transferred (before trial) |
| <input type="checkbox"/> | Non-Jury – Disposed After Trial Starts |
| <input type="checkbox"/> | Non-Jury – Judgment Reached |
| <input type="checkbox"/> | Jury – Disposed After Trial Starts |
| <input type="checkbox"/> | Jury – Verdict Reached |
| <input checked="" type="checkbox"/> | Other Manner of Disposition |

Dated this 8th day of April, 2021

Michelle Leavitt

**FAB 108 D50D F100
Michelle Leavitt
District Court Judge**

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

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Gary Lewis, Plaintiff(s)

CASE NO: A-21-827377-W

7 vs.

DEPT. NO. Department 12

8 State of Nevada, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 Electronic service was attempted through the Eighth Judicial District Court's
12 electronic filing system, but there were no registered users on the case.

13
14 If indicated below, a copy of the above mentioned filings were also served by mail
15 via United States Postal Service, postage prepaid, to the parties listed below at their last
known addresses on 4/9/2021

16 Gary Lewis

#47615

LCC

1200 Prison Road

Lovelock, NV, 89419



FFCO

EIGHTH JUDICIAL DISTRICT
CLARK COUNTY, NEVADA

Gary Lewis,

Petitioner,

vs.

STATE OF NEVADA,

Respondent

Case No.: A-21-827377-W

DEPT. No.: XII

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER DENYING
PETITION FOR DETERMINATION OF FACTUAL INNOCENCE**

FINDINGS OF FACT

1. On August 15, 1995, the State of Nevada ("State") charged Gary L. Lewis ("Petitioner") by way of Information with SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Felony - NRS 200.364, 200.366).

2. On June 12, 1996, the State filed an Amended Information charging Petitioner with SEXUAL ASSAULT (Felony - NRS 200.364, 200.366) and Petitioner, pursuant to *North Carolina v. Alford*, entered a guilty plea to the charge in the Amended Information.

3. On August 2, 1996, the District Court adjudged Petitioner guilty and sentenced Petitioner to the Nevada Department of Corrections for a term of LIFE WITH THE POSSIBILITY OF PAROLE, to be served CONCURRENTLY with C122079. Petitioner received ZERO credit for time served.

4. On August 14, 1996, the District Court entered the Judgment of Conviction.

5. On February 19, 2009, the Defendant filed a "First Amendment Petition Writ of Habeas Corpus [sic]" (hereinafter "first Petition for Writ of Habeas Corpus (Post-Conviction)").

6. On February 26, 2009, the District Court denied Petitioner's first Petition for Writ of Habeas Corpus (Post-Conviction).

MICHELLE LEAVITT
DISTRICT JUDGE

DEPARTMENT TWELVE
LAS VEGAS, NEVADA 89155

1

1
2 7. On March 23, 2009, the Petitioner filed a "First Amendment Petition
3 Writ of Habeas Corpus [sic]."

4 8. On May 1, 2009, the District Court ordered that the "First Amended
5 Petition" that was filed on March 23, 2009 was an improper amendment or supplement
6 as the original petition was orally denied by the District Court.

7 9. On May 11, 2009, the Petitioner filed a Notice of Appeal challenging
8 the District Court's decision to deny his first Petition for Writ of Habeas Corpus (Post-
9 Conviction).

10 10. On June 2, 2009, the District Court entered the Notice of Entry of
11 Order Denying Petitioner's first Petition for Writ of Habeas Corpus (Post-Conviction).

12 11. On October 28, 2009, The Supreme Court of Nevada affirmed the
13 District Court's decision to deny Petitioner's first Petition for Writ of Habeas Corpus
14 (Post-Conviction). Remittitur issued November 24, 2009.

15 12. On September 23, 2010, the Petitioner filed his second Petition for Writ
16 of Habeas Corpus (Post-Conviction).

17 13. On January 27, 2011, the District Court denied Petitioner's second
18 Petition for Writ of Habeas Corpus (Post-Conviction). The Notice of Entry of
19 Findings of Fact, Conclusions of Law, and Order were filed on March 17, 2011.

20 14. On March 14, 2011, the Petitioner filed a Notice of Appeal, challenging
21 the District Court's decision to deny his second Petition for Writ of Habeas Corpus
22 (Post-Conviction).

23 15. On September 15, 2011, The Supreme Court of Nevada affirmed the
24 District Court's decision denying the second Petition for Writ of Habeas Corpus (Post-
25 Conviction). Remittitur issued October 12, 2011.

26 16. On November 29, 2011, Petitioner filed a "Motion to Withdraw the
27 *Alford* Plea for [sic] the Entire Proceeding was in Direct Violation of the
28 Constitution." The State filed its Opposition on December 14, 2011.

17. On December 22, 2011, the District Court denied Petitioner's "Motion
to Withdraw the *Alford* Plea for [sic] the Entire Proceeding was in Direct Violation of
the Constitution."

18. On March 11, 2014, Petitioner filed a third Petition for Writ of Habeas
Corpus (Post-Conviction).

19. On March 31, 2014, the District Court denied Petitioner's third Petition for Writ of Habeas Corpus (Post-Conviction). The Findings of Fact, Conclusions of Law, and Order were filed the same day.

20. On April 24, 2014, Petitioner filed a Notice of Appeal challenging the District Court's order denying the third Petition for Writ of Habeas Corpus (Post-Conviction).

21. On September 16, 2014, The Supreme Court of Nevada affirmed the District Court's decision to deny Petitioner's third Petition for Writ of Habeas Corpus (Post-Conviction). Remittitur issued October 15, 2014.

22. On January 5, 2021, Petitioner filed the instant Petition to Establish Factual Innocence Based on Newly Discovered Evidence.

CONCLUSIONS OF LAW

1. NRS 36.940—the statute governing petitions for factual innocence—establishes the procedural and substantive requirements for each petition filed.

2. NRS 36.940(1) reads: "At any time after the expiration of the period during which a motion for a new trial based on newly discovered evidence may be made pursuant to NRS 176.515, a person who has been convicted of a felony may petition the district court in the county in which the person was convicted for a hearing to establish the factual innocence of the person based on newly discovered evidence. A person who files a petition pursuant to this subsection shall serve notice and a copy of the petition upon the district attorney of the county in which the conviction was obtained and the Attorney General."

3. Under 36.940(2) "[a] petition [to establish factual innocence] filed pursuant to subsection 1 must contain an assertion of factual innocence under oath by the petitioner and must aver, with supporting affidavits or other credible documents."

4. When a Petitioner files a Petition to Establish Factual Innocence, said claim, made under the relevant statutes, "is separate from any state habeas claim that alleges a fundamental miscarriage of justice to excuse procedural or time limitations pursuant to NRS 34.726 or 34.810." NRS 34.950.

5. According to NRS 34.920, factual innocence means a defendant did not do the following: (1.) Engage in the conduct for which he or she was convicted; (2.) Engage in conduct constituting a lesser included or inchoate offense of the crime for which he or she was convicted; (3.) Commit any other crime arising out of or reasonably connected to the facts supporting the indictment or information upon which he or she was convicted; and (4.) Commit the conduct charged by the State under any theory of criminal liability alleged in the indictment or information.

6. “Newly discovered evidence” means evidence that was not available to a petitioner at trial or during the resolution by the trial court of any motion to withdraw a guilty plea or motion for new trial and which is material to the determination of the issue of factual innocence[.]” NRS 34.930

7. Here, Petitioner failed to include a proper assertion of factual innocence under NRS 36.940(2). There is no assertion under oath, nor is the Petition supported by "affidavits or other credible documents."

8. Petitioner failed to comply with the statutory requirements. Instead, only vague references are made to "exculpatory" and "*Brady*" evidence that the State withheld during trial. Such vague references without any supporting documentation do not qualify as "newly discovered evidence." The instant Petition does not establish that Petitioner did not commit the charged crime and thus, the Petition must be denied.

ORDER

THEREFORE, IT IS HEREBY ORDERED that the Petition to Establish Factual Innocence shall be, and it is, hereby **DENIED**.

Dated this 8th day of April, 2021

MICHELLE LEAVITT
DISTRICT COURT JUDGE
DEPARTMENT XII
EIGHTH JUDICIAL DISTRICT

MICHELLE LEAVITT
DISTRICT JUDGE

DEPARTMENT TWELVE
LAS VEGAS, NEVADA 89155

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CERTIFICATE OF MAILING

I hereby certify that on the 8th day of February, 2021, I placed a copy of the Findings of Fact, Conclusions of Law, and Order in the U.S. Mail, postage prepaid to:

Gary L. Lewis #47615
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702

Steven B. Wolfson
Clark County District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155

Aaron Ford
Nevada Attorney General
555 E. Washington, Suite 3900
Las Vegas, NV 89101-1068


Pamela Rocha
Judicial Executive Assistant
Department XII
Eighth Judicial District Court

Heather L. Lewis
CLERK OF THE COURT

21

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

GARY L. LEWIS

Petitioner

Case No. A-21-B27377-W

VS.

Dept No: 12

STATE OF NEVADA

Respondents

STATUS CHECK

Comes Now, Gary L. Lewis, in pro-per, requesting a Status Check on Petition for Writ of Habeas Corpus Pursuant To NRS 34-900 - 34-990. This legal document and all future documents are prepared by the legal assistance here at L.C.C., in Mr. Lewis' behalf, because of his mental incompetence.

x *Gary L. Lewis*

Gary L. Lewis, #47615
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Dated: 4-9-21.

RECEIVED

APR 15 2021

CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing Status Check to the below address(es) on this 9th day of April, 2021, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

Eighth Judicial District Court
200 Lewis Avenue
Las Vegas, Nevada 89155-2311

And;

Attention: District Attorney Office
200 Lewis Avenue
Las Vegas, Nevada 89155

r Gary L. Lewis
Gary L. Lewis # 47615
 Lovelock Correctional Center
 1200 Prison Road
 Lovelock, Nevada 89419

In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding Status Check filed in District Court Case No. A-21-827377-W does not contain the social security number of any person.

Dated this 9th day of April, 2021.

r Gary L. Lewis
Gary L. Lewis # 47615

In Pro Se

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing Status Check to the below address(es) on this 9th day of April, 2021, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

Eighth Judicial District Court
200 Lewis Avenue
Las Vegas, Nevada 89155-2311

And:
Attention: District Attorney Office
200 Lewis Avenue
Las Vegas, Nevada 89155

x Gay L. Lewis # 47815
 Lovelock Correctional Center
 1200 Prison Road
 Lovelock, Nevada 89419

____ In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding Status Check filed in District Court Case No. A-21-B27377-W does not contain the social security number of any person.

Dated this 9th day of April, 2021.

x Gay L. Lewis # 47815

____ In Pro Se

Mr. Gary L. Lewis, #47615
Hawlock Correctional Center
1200 Prison Road
Hawlock, Nevada 89419.

RENO NV 894

12 APR 2021 PM 3 T



RECEIVED
APR 15 2021

CLERK OF THE COURT

INMATE LEGAL
MAIL CONFIDENTIAL

200 Lewis Avenue
Las Vegas, Nevada 89155-2311

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Legal Mail

LIBRARY

APR 09 2021

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Steven D. Grierson

CLERK OF THE COURT

1 NOAS

2 Gary Lewis # 47615

3 Lovelock Correctional Center

4 1200 Prison Road

5 Lovelock, Nevada 89419

6 Petitioner In Pro Se

7 DISTRICT COURT

8 CLARK COUNTY, NEVADA

9 * * * * *

10 Gary Lewis,)

11) Petitioner,)

Case No. A-21-827377-W

12) -vs-)

Dept. No. XII

13) THE STATE OF NEVADA,)

14) Respondent.)

15 NOTICE OF APPEAL

16 NOTICE IS GIVEN that Petitioner, Gary Lewis,
 17 in pro se, hereby appeals to the Nevada Supreme Court the
 18 Findings of Fact, Conclusions of Law and Order Denying /
 19 Dismissing Petition for Writ of Habeas Corpus, as filed/entered
 20 on or about the 8th day of April, 2021, in the above-
 21 entitled Court.

22 Dated this 7th day of May, 2021.

23 Gary D. Lewis
 24 Gary Lewis # 47615

25 Lovelock Correctional Center
 26 1200 Prison Road

27 Lovelock, Nevada 89419

28 Petitioner In Pro Se

RECEIVED
 MAY 17 2021
 CLERK OF THE COURT

LCC LL FORM 24.064

1
2 CERTIFICATE OF SERVICE

3 I do certify that I mailed a true and correct copy of the
4 foregoing NOTICE OF APPEAL to the below address(es) on this
5 7th day of May, 2021, by placing same in the
6 U.S. Mail via prison law library staff:

7 Steven B. Wolfson
8 Clark County District Attorney
9 200 Lewis Ave.
10 Las Vegas NV 89155

11 Aaron Ford
12 Nevada Attorney General
13 555 E. Washington, Ste. 3900
14 Las Vegas NV 89101
15

16 Gary J. Lewis
17 Gary Lewis # 47615
18 Lovelock Correctional Center
19 1200 Prison Road
20 Lovelock, Nevada 89419

21 Petitioner In Pro Se

22 AFFIRMATION PURSUANT TO NRS 239B.030

23 The undersigned does hereby affirm that the preceding
24 NOTICE OF APPEAL filed in District Court Case No. A-21-827377-W
25 does not contain the social security number of any person.

26 Dated this 7th day of May, 2021.

27 Gary J. Lewis
28 Gary Lewis

Petitioner In Pro Se

Garrett Lewis # 47615
LoveLock Correctional Center
1200 Prison Rd.
LoveLock NV 89419

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IN THE
U.S.



FOREVER USA

Clerk of the Court

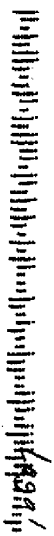
Eighth Judicial District Court

200 Lewis Ave

Las Vegas NV 89155

INMATE LEGAL
MAIL CONFIDENTIAL

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May 11

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1 NEFF

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4 GARY LEWIS,

5
6 Petitioner,

Case No: A-21-827377-W

Dept No: XII

7 vs.

8 STATE OF NEVADA,

9 Respondent,

NOTICE OF ENTRY OF FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

10
11 PLEASE TAKE NOTICE that on April 8, 2021, the court entered a decision or order in this matter, a
true and correct copy of which is attached to this notice.

12 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
13 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is
14 mailed to you. This notice was mailed on May 18, 2021.

15 STEVEN D. GRIERSON, CLERK OF THE COURT

16 /s/ Heather Ungermann

Heather Ungermann, Deputy Clerk

17
18
19 CERTIFICATE OF E-SERVICE / MAILING

20 I hereby certify that on this 18 day of May 2021, I served a copy of this Notice of Entry on the following:

21 ☒ By e-mail:

22 Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

23 ☒ The United States mail addressed as follows:

24 Gary Lewis # 47615
1200 Prison Rd.
25 Lovelock, NV 89419

26
27 /s/ Heather Ungermann

Heather Ungermann, Deputy Clerk



FFCO

EIGHTH JUDICIAL DISTRICT
CLARK COUNTY, NEVADA

Gary Lewis,

Petitioner,

vs.

STATE OF NEVADA,

Respondent

Case No.: A-21-827377-W

DEPT. No.: XII

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER DENYING
PETITION FOR DETERMINATION OF FACTUAL INNOCENCE**

FINDINGS OF FACT

1. On August 15, 1995, the State of Nevada ("State") charged Gary L. Lewis ("Petitioner") by way of Information with SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Felony - NRS 200.364, 200.366).

2. On June 12, 1996, the State filed an Amended Information charging Petitioner with SEXUAL ASSAULT (Felony - NRS 200.364, 200.366) and Petitioner, pursuant to *North Carolina v. Alford*, entered a guilty plea to the charge in the Amended Information.

3. On August 2, 1996, the District Court adjudged Petitioner guilty and sentenced Petitioner to the Nevada Department of Corrections for a term of LIFE WITH THE POSSIBILITY OF PAROLE, to be served CONCURRENTLY with C122079. Petitioner received ZERO credit for time served.

4. On August 14, 1996, the District Court entered the Judgment of Conviction.

5. On February 19, 2009, the Defendant filed a "First Amendment Petition Writ of Habeas Corpus [sic]" (hereinafter "first Petition for Writ of Habeas Corpus (Post-Conviction)").

6. On February 26, 2009, the District Court denied Petitioner's first Petition for Writ of Habeas Corpus (Post-Conviction).

MICHELLE LEAVITT
DISTRICT JUDGE

DEPARTMENT TWELVE
LAS VEGAS, NEVADA 89155

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2 7. On March 23, 2009, the Petitioner filed a "First Amendment Petition
3 Writ of Habeas Corpus [sic]."

4 8. On May 1, 2009, the District Court ordered that the "First Amended
5 Petition" that was filed on March 23, 2009 was an improper amendment or supplement
6 as the original petition was orally denied by the District Court.

7 9. On May 11, 2009, the Petitioner filed a Notice of Appeal challenging
8 the District Court's decision to deny his first Petition for Writ of Habeas Corpus (Post-
9 Conviction).

10 10. On June 2, 2009, the District Court entered the Notice of Entry of
11 Order Denying Petitioner's first Petition for Writ of Habeas Corpus (Post-Conviction).

12 11. On October 28, 2009, The Supreme Court of Nevada affirmed the
13 District Court's decision to deny Petitioner's first Petition for Writ of Habeas Corpus
14 (Post-Conviction). Remittitur issued November 24, 2009.

15 12. On September 23, 2010, the Petitioner filed his second Petition for Writ
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17 13. On January 27, 2011, the District Court denied Petitioner's second
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19 Findings of Fact, Conclusions of Law, and Order were filed on March 17, 2011.

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22 (Post-Conviction).

23 15. On September 15, 2011, The Supreme Court of Nevada affirmed the
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26 16. On November 29, 2011, Petitioner filed a "Motion to Withdraw the
27 *Alford* Plea for [sic] the Entire Proceeding was in Direct Violation of the
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17. On December 22, 2011, the District Court denied Petitioner's "Motion
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the Constitution."

18. On March 11, 2014, Petitioner filed a third Petition for Writ of Habeas
Corpus (Post-Conviction).

19. On March 31, 2014, the District Court denied Petitioner's third Petition for Writ of Habeas Corpus (Post-Conviction). The Findings of Fact, Conclusions of Law, and Order were filed the same day.

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22. On January 5, 2021, Petitioner filed the instant Petition to Establish Factual Innocence Based on Newly Discovered Evidence.

CONCLUSIONS OF LAW

1. NRS 36.940—the statute governing petitions for factual innocence—establishes the procedural and substantive requirements for each petition filed.

2. NRS 36.940(1) reads: "At any time after the expiration of the period during which a motion for a new trial based on newly discovered evidence may be made pursuant to NRS 176.515, a person who has been convicted of a felony may petition the district court in the county in which the person was convicted for a hearing to establish the factual innocence of the person based on newly discovered evidence. A person who files a petition pursuant to this subsection shall serve notice and a copy of the petition upon the district attorney of the county in which the conviction was obtained and the Attorney General."

3. Under 36.940(2) "[a] petition [to establish factual innocence] filed pursuant to subsection 1 must contain an assertion of factual innocence under oath by the petitioner and must aver, with supporting affidavits or other credible documents."

4. When a Petitioner files a Petition to Establish Factual Innocence, said claim, made under the relevant statutes, "is separate from any state habeas claim that alleges a fundamental miscarriage of justice to excuse procedural or time limitations pursuant to NRS 34.726 or 34.810." NRS 34.950.

5. According to NRS 34.920, factual innocence means a defendant did not do the following: (1.) Engage in the conduct for which he or she was convicted; (2.) Engage in conduct constituting a lesser included or inchoate offense of the crime for which he or she was convicted; (3.) Commit any other crime arising out of or reasonably connected to the facts supporting the indictment or information upon which he or she was convicted; and (4.) Commit the conduct charged by the State under any theory of criminal liability alleged in the indictment or information.

1 6. “Newly discovered evidence” means evidence that was not available to
2 a petitioner at trial or during the resolution by the trial court of any motion to
3 withdraw a guilty plea or motion for new trial and which is material to the
4 determination of the issue of factual innocence[.]” NRS 34.930


5 7. Here, Petitioner failed to include a proper assertion of factual innocence
6 under NRS 36.940(2). There is no assertion under oath, nor is the Petition supported
7 by “affidavits or other credible documents.”

8 8. Petitioner failed to comply with the statutory requirements. Instead,
9 only vague references are made to “exculpatory” and “Brady” evidence that the State
10 withheld during trial. Such vague references without any supporting documentation
11 do not qualify as “newly discovered evidence.” The instant Petition does not establish
12 that Petitioner did not commit the charged crime and thus, the Petition must be denied.

13 ORDER

14 THEREFORE, IT IS HEREBY ORDERED that the Petition to Establish Factual
15 Innocence shall be, and it is, hereby DENIED.

16 Dated this 8th day of April, 2021

17 
18 MICHELLE LEAVITT
19 DISTRICT COURT JUDGE
20 DEPARTMENT XII
21 EIGHTH JUDICIAL DISTRICT
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CERTIFICATE OF MAILING

I hereby certify that on the 8th day of February, 2021, I placed a copy of the Findings of Fact, Conclusions of Law, and Order in the U.S. Mail, postage prepaid to:

Gary L. Lewis #47615
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702

Steven B. Wolfson
Clark County District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155

Aaron Ford
Nevada Attorney General
555 E. Washington, Suite 3900
Las Vegas, NV 89101-1068


Pamela Rocha
Judicial Executive Assistant
Department XII
Eighth Judicial District Court



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

GARY LYNN LEWIS,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

Case No: A-21-827377-W

Dept No: XII

CASE APPEAL STATEMENT

1. Appellant(s): Gary Lewis

2. Judge: Michelle Leavitt

3. Appellant(s): Gary Lewis

Counsel:

Gary Lewis #47615
1200 Prison Rd.
Lovelock, NV 89419

4. Respondent (s): State of Nevada

Counsel:

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

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5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A
- Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A
6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No
7. Appellant Represented by Appointed Counsel On Appeal: N/A
8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
***Expires 1 year from date filed*
Appellant Filed Application to Proceed in Forma Pauperis: No
Date Application(s) filed: N/A
9. Date Commenced in District Court: January 5, 2021
10. Brief Description of the Nature of the Action: Civil Writ
Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus
11. Previous Appeal: No
Supreme Court Docket Number(s): N/A
12. Child Custody or Visitation: N/A
13. Possibility of Settlement: Unknown

Dated This 18 day of May 2021.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

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

cc: Gary Lewis

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated May 25, 2021, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises one volume with pages numbered 1 through 42.

GARY LYNN LEWIS,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

Case No: A-21-827377-W

Dept. No: XII

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 2 day of June 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk