

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

Electronically Filed
Feb 02 2022 11:36 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

DENISE MICHELLE VEJMOLA,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent.

Sup. Ct. Case No. 84021

Case No. CR15-1461

Dept. 7

RECORD ON APPEAL

VOLUME 3 OF 4

DOCUMENTS

APPELLANT

Denise Vejmola #1152120
Florence McClure Womens
Correctional Center
4370 Smiley Road
Las Vegas, NV 89115

RESPONDENT

Washoe County District
Attorney's Office
Jennifer P. Noble, Esq. #9446
P.O. Box 30083
Reno, Nevada 89502-3083

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 DISTRICT CASE NO: CR15-1461
 DENISE MICHELLE VEJMOLA vs THE STATE OF NEVADA
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Transaction # 5525803

Supreme Court No. 69529
District Court Case No. CR151461

7

District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENISE MICHELLE VEJMOLA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 69529
District Court Case No. CR151461

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

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

JUDGMENT

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

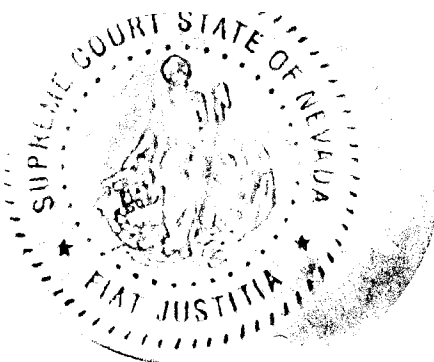
"ORDER the judgment of conviction AFFIRMED."

Judgment, as quoted above, entered this 20th day of April, 2016.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
May 18, 2016.

Tracie Lindeman, Supreme Court Clerk

By: Joan Hendricks
Deputy Clerk



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DENISE MICHELLE VEJMOLA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69529

FILED

APR 20 2016

ORDER OF AFFIRMANCE

JACQUELINE BRYANT
CLERK OF SUPREME COURT
DEPUTY CLERK


This is an appeal from a judgment of conviction entered pursuant to a guilty plea of two counts of burglary and one count of possession of forged instruments. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

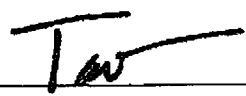
Appellant Denise Vejmola claims the State breached the plea agreement at sentencing because it argued for maximum terms between all of the counts. When the State enters into a plea agreement, it "is held to 'the most meticulous standards of both promise and performance'" in fulfillment of both the terms and the spirit of the plea bargain. *Van Buskirk v. State*, 102 Nev. 241, 243, 720 P.2d 1215, 1216 (1986) (quoting *Kluttz v. Warden*, 99 Nev. 681, 683-84, 669 P.2d 244, 245 (1983)).

To the extent this claim was preserved for review, this claim lacks merit. Pursuant to the plea agreement, the State agreed to recommend counts 1 and 2 be run concurrent. The State retained the right to argue whether count 3 should be served concurrently or consecutively to counts 1 and 2. The record clearly demonstrates the State did not ask the district court to run all of the counts consecutively. Although the State stated the victim's request that the counts be run

consecutively, this was merely used to support their argument for count 3 to run consecutively and they were permitted to make this argument under the guilty plea agreement. Therefore, we conclude the State did not, either explicitly or implicitly, breach the terms or the spirit of the plea agreement, and we

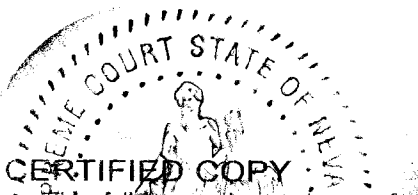
ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Patrick Flanagan, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk



This document is a full, true and correct copy of
the original on file and of record in my office.

DATE: May 18th, 2016

Supreme Court Clerk, State of Nevada

By [Signature] Deputy

Return Of NEF**Recipients**

TERRENCE MCCARTHY, ESQ. - Notification received on 2016-05-20 13:34:22.084.
ZELALEM BOGALE, ESQ. - Notification received on 2016-05-20 13:34:22.053.
REBECCA DRUCKMAN, ESQ. - Notification received on 2016-05-20 13:34:21.944.
MAIZIE PUSICH, ESQ. - Notification received on 2016-05-20 13:34:21.881.
DIV. OF PAROLE & PROBATION - Notification received on 2016-05-20 13:34:22.022.
JOHN PETTY, ESQ. - Notification received on 2016-05-20 13:34:21.975.
CHRISTINE BRADY, ESQ. - Notification received on 2016-05-20 13:34:21.912.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR15-1461

Judge:

HONORABLE PATRICK FLANAGAN

Official File Stamp:

05-20-2016:13:33:15

Clerk Accepted:

05-20-2016:13:33:49

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. DENISE M. VEJMOLA (D7)

Document(s) Submitted:

Supreme Court Remittitur
Supreme Ct Clk's Cert & Judg
Supreme Court Order Affirming

Filed By:

Deputy Clerk ASmith

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

REBECCA DRUCKMAN, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for DENISE M.
VEJMOLA

JOHN REESE PETTY, ESQ. for DENISE M.
VEJMOLA

MAIZIE WHALEN PUSICH, ESQ. for DENISE M.
VEJMOLA

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

CR15-1461
STATE VS. DENISE M. VEJMOLA 9 Pages
District Court 10/04/2016 12:39 PM
Washoe County 3585
MFERAND

1 DENISE M. VEJMOLA # 1152120
Florence McClure Womens Correctional Center
2 4370 Smiley Road
Las Vegas, NV 89115

FILED

2016 OCT -4 PM 12: 39

In The 2ND Judicial District Court of the State of NevadaJACQUELINE BRYANT
CLERK OF THE COURTIn and For the County of WASHOEBY MFERAND
DEPUTY

In the matter of:

VEJMOLA, DENISE Michelle

Plaintiff/Petitioner

v.

WARDEN Neven FMWCC

Defendant/Respondent

Case No.: CR15-1461Dept No.: 7

PETITION FOR WRIT OF HABEAS CORPUS
(POST-CONVICTION)

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty: Florence McClure Womens Facility
CLARK COUNTY
2. Name and location of court which entered the judgment of conviction under attack:
Second Judicial District Court WASHOE County
Nevada
3. Date of judgement of conviction: December 3rd 2015
4. Case number: CR 15 - 1461
5. (a) Length of sentence: 4-10 yrs, 4-10 yrs - 2-5 year consecutive
(b) If sentence is death, state any date upon which execution is scheduled:
6. Are you presently serving a sentence for a conviction other than the conviction under attach in this motion? Yes No
If "yes," list crime, case number and sentence being served at this time:
7. Nature of offense involved in conviction being challenged: Burglary
8. What was your plea? (check one)
(a) Not guilty
(b) Guilty ✓
(c) Guilty but mentally ill
(d) Nolo contendere

- 1 9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment or information,
2 and a plea of not guilty to another count of an indictment or information, or if a plea of guilty or
3 guilty but mentally ill was negotiated, give details:

- 4 10. If you were found guilty after a plea of not guilty, was the finding made by: (check one)

5 (a) Jury ~~_____~~
6 (b) Judge without a jury ~~_____~~

- 7 11. Did you testify at the trial? Yes ~~_____~~ No ☒ ~~_____~~

- 8 12. Did you appeal from the judgment of conviction? Yes ☒ No ~~_____~~

- 9 13. If you did appeal, answer the following:

10 (a) Name of court: ~~_____~~ Supreme Court of Nevada
11 (b) Case number or citation: ~~_____~~ 69529
12 (c) Result: ~~_____~~ Denied
13 (d) Date of result: ~~_____~~ Feb. 25th 2011

(Attach a copy of order or decision, if available.) ATTACHED: Remittitur

- 14 14. If you did not appeal, explain briefly why you did not: Exhibit "A"

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

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

19 (a) (1) Name of court: ~~_____~~
20 (2) Nature of proceeding: ~~_____~~
21 (3) Grounds raised: ~~_____~~
22 (4) Did you receive an evidentiary hearing on your petition, application or motion?
23 Yes ~~_____~~ No ~~_____~~
24 (5) Result: ~~_____~~
25 (6) Date of result: ~~_____~~
26 (7) If known, citations of any written opinion or date of orders entered pursuant to such result:

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

27 (1) Name of court: ~~_____~~
28 (2) Nature of proceeding: ~~_____~~
(3) Grounds raised: ~~_____~~
(4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes ~~_____~~ No ~~_____~~
(5) Result: ~~_____~~
(6) Date of result: ~~_____~~
(7) If known, citations of any written opinion or date of orders entered pursuant to such result:

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

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

(1) First petition, application or motion? Yes ☒ No ☐

Citation or date of decision: Supreme Court Feb. 25th 2016

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

Citation or date of decision: _____

(3) Third petition, application or motion? Yes ☐ No ☐

Citation or date of decision: _____

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

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

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

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

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

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

Not Available - New Litigation:
Discovered 2016 that I'm entitled to
Good Time work time

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

No

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

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

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

- 1 22. Do you have any future sentences to serve after you complete the sentence imposed by the
2 judgment under attack? Yes No X
If yes, specify where and when it is to be served, if you know:

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

5 (a) Ground one:

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

7 (b) Ground two:

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

9 (c) Ground three:

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

11 (d) Ground four:

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

13
14
15 WHEREFORE, Petitioner prays that the court grant Petitioner relief to which he may be entitled in this
proceeding.

16 Dated this 26 day of Sept., 2016

17
18 In Propria Persona
Respectfully Submitted By:

19 Denise Vejmo la
Signature

20 Denise Vejmo la
Print Name

STATEMENT OF FACTS

NDOC is in violation of my 14th Amendment Right to "due Process"

By the Failure of NDOC to deduct From my minimum (and maximum) term of my sentence the "good time" I have earned.

My crime was committed on April 19, 2015. I was sentenced Dec. 3rd 2015 to the Nevada Department of Corrections for a maximum of 120 months (one hundred twenty months) and a minimum of 48 months. Under NRS 209.4465 (1997) I am entitled to have 20 days per month of statutory good time deducted From the minimum and (maximum) terms of my sentence. NDOC has refused and/or failed to deduct 20 days (Twenty) of statutory good time. I have earned from the minimum and (maximum) terms of my sentence. I have requested that 20 days of statutory good time be deducted from the terms of my sentence. NDOC has failed to do this.

Pursuant to NEAP Rule 33 (3)(c) I rely upon the decision of the "Nevada Supreme Court" in:

Vonseydewitz V. LeGrand, NCS Case No. 66159 as persuasive authority that I am entitled to relief in this case.

Ground 2

I Alleged that my state court conviction and/or sentencing are unconstitutional right to be free from "Ex Post Facto" law under Article I, Sec. 10 of the U.S. Constitution by the application of the exclusionary provisions of Section 8 of NRS 209.4465 (2007) to deny me 20 days of "statutory Good Time" per month being deducted From the minimum (and maximum) terms of my sentence. I incorporate all the facts contained in Ground (1) one above into this Ground for relief.

NDOC is denying me the 20 days a month statutory good time being deducted From the minimum and (maximum) terms of my sentence based on the exclusion provisions of Section 8 of NRS. 209.4465. This is a violation of my Ex-Post Facto right.

I rely upon the decisions in the following cases:

STATEMENT OF FACTS

TO SUPPORT MY POSITION IN THIS Ground For relief.

Weaver V. Graham, 450 U.S. 24 (1981)

STEVENS V. Nevada State Prison, 967 P.2d.
945 (NV 1991) and Goldsworthy V. Hannafin, 468
P.2d 350 (1970)

I pray that this Honorable Court
GRANTS said PETITION IN FAVOR OF
Petitioner Seeking relief

God Bless You

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENISE MICHELLE VEJMOLA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 69529
District Court Case No. CR151461

REMITTITUR

TO: Jacqueline Bryant, Washoe District Court Clerk

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

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

DATE: May 18, 2016

Tracie Lindeman, Clerk of Court

By: Joan Hendricks
Deputy Clerk

cc (without enclosures):

Hon. Patrick Flanagan, District Judge
Washoe County Public Defender
Washoe County District Attorney
Attorney General/Carson City

RECEIPT FOR REMITTITUR

Received of Tracie Lindeman, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on _____.

District Court Clerk

CERTIFICATE OF MAILING

STATE of NEVADA

COUNTY OF WASHOE

} ss

I, Denise Michelle Vignola, do hereby certify that I am the
Prisoner in this matter and I am representing myself, In Propria
 Persona, Case No.: CR15-1461 and or ?.

On this 26 day of Sept, 20 16, I mailed a copy of the following document(s):

1. WRIT OF Habeas MOTION
2. Certificate of mailing
3. Declaration Under Penalty of Perjury
4. _____
5. _____

By United States First Class Mail, Postage Prepaid to the following addresses:

Clerk of the Courts
2nd Judicial District Court
75 COURT ST.
Reno, Nevada 89501
DA OFFICE
CHRISTOPHER HICKS #7747
P.O. Box 11130
Reno, Nev. 89520

WARDEN nevins
4370 Smiley Rd.
Las Vegas, Nev.
89127

DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, do hereby acknowledge that I executed the above and/or foregoing of my free will and that I am of sound mind to do so. I understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above information is accurate, correct and true to the best of my knowledge executed within the terms of NRS 171.102 and NRS 208.165. See 28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 26 day of September, 20 16

Denise Vignola
 Signature

1152120
 NDOC#

Denise Vignola, M.
 Print Name

NRS 171.102 (2) Declaration made subject to penalty of perjury.
 NRS 208.165 A prisoner may execute any instrument by signing his name immediately following a declaration "under penalty of perjury" with the same legal effect as if he had acknowledged it or sworn to its truth before a person authorized to administer oaths. As used in this section, "prisoner" means a person confined in any jail or prison, or any facility for the detention of juvenile offenders, in this state.

Page 1 of 1

DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge executed within the terms of NRS 171.102 and NRS 208.165. See 28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 26 day of September, 2016

Denise Vergara
Signature

1152120
NDOC#

Denise Vergara, M.
Print Name

NRS 171.102 (2) Declaration made subject to penalty of perjury.

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

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

(Added to NRS by 1985, 1643)

1 CODE #2225
CHRISTOPHER J. HICKS
2 #7747
P. O. Box 11130
3 Reno, Nevada 89520
(775) 328-3200
4 Attorney for Respondent
5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 DENISE MICHELLE VEJMOLA,

10 Petitioner,

11 v.

Case No. CR15-1461

12 WARDEN NEVEN, F.M.W.C.C.,

Dept. No. 7

13 Respondent.
14 _____/

15 MOTION TO TRANSFER PETITION

16 Petitioner Vejmola has filed a petition for writ of habeas corpus. However, she does not
17 attack her conviction but instead questions the computation of time served by the prison
18 system. Such petitions are to be filed in the county of confinement, not the county of
19 conviction. When they are filed in the wrong county, then this court should direct the clerk to
20 transfer the case to the appropriate county. NRS 34.738. It appears that Vejmola is confined
21 in Las Vegas, Nevada, within the Eighth Judicial District. Therefore, the State requests that
22 this court direct the clerk to transfer this cause to the Eighth Judicial District, where that court
23 can direct a response from the Attorney General.

24 ///

25 ///

26 ///

AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED: October 5, 2016.

CHRISTOPHER J. HICKS
District Attorney

By /s/ TERRENCE P McCARTHY
TERRENCE P. McCARTHY
Chief Appellate Deputy

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on October 5, 2016, I deposited for mailing through the U.S. Mail Service at Reno, Washoe County, Nevada, postage prepaid, a true copy of the foregoing document, addressed to:

Denise M. Vejmola #1152120
Florence McClure Women's Correctional Center
4370 Smiley Road
Las Vegas, NV 89115-1808

/s/ DESTINEE ALLEN
DESTINEE ALLEN

Return Of NEF**Recipients**

TERRENCE MCCARTHY, ESQ. - Notification received on 2016-10-05 12:26:14.757.

ZELALEM BOGALE, ESQ. - Notification received on 2016-10-05 12:26:14.695.

REBECCA DRUCKMAN, ESQ. - Notification received on 2016-10-05 12:26:14.102.

MAIZIE PUSICH, ESQ. - Notification received on 2016-10-05 12:26:13.93.

DIV. OF PAROLE & PROBATION - Notification received on 2016-10-05 12:26:14.632.

JOHN PETTY, ESQ. - Notification received on 2016-10-05 12:26:14.351.

CHRISTINE BRADY, ESQ. - Notification received on 2016-10-05 12:26:13.993.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR15-1461

Judge:

HONORABLE PATRICK FLANAGAN

Official File Stamp:

10-05-2016:08:33:45

Clerk Accepted:

10-05-2016:12:25:40

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. DENISE M. VEJMOLA (D7)

Document(s) Submitted:

Mtn for Transfer

Filed By:

Terrence McCarthy

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

REBECCA DRUCKMAN, ESQ. for STATE OF
NEVADA

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

JOHN REESE PETTY, ESQ. for DENISE M.
VEJMOLA

DIV. OF PAROLE & PROBATION

CHRISTINE BRADY, ESQ. for DENISE M.
VEJMOLA

MAIZIE WHALEN PUSICH, ESQ. for DENISE M.
VEJMOLA

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

1 CODE #3860
2 CHRISTOPHER J. HICKS
3 #7747
4 P. O. Box 11130
5 Reno, Nevada 89520
6 (775)328-3200
7 Attorney for Respondent

8
9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
10
11 IN AND FOR THE COUNTY OF WASHOE

12 * * *

13 DENISE MICHELLE VEJMOLA,

14 Petitioner,

15 v.

Case No. CR15-1461

16 WARDEN NEVEN, F.M.W.C.C.,

Dept. No. 7

17 Respondent.
18 _____/

19 REQUEST FOR SUBMISSION

20 It is requested that the Motion to Transfer Petition, filed on October 5, 2016, be
21 submitted to the Court for decision.

22 AFFIRMATION PURSUANT TO NRS 239B.030

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

25 DATED: November 7, 2016.

26 CHRISTOPHER J. HICKS
District Attorney

By /s/ TERRENCE P. McCARTHY
TERRENCE P. McCARTHY
Chief Appellate Deputy

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on November 7, 2016, I deposited for mailing through the U.S. Mail Service at Reno, Washoe County, Nevada, postage prepaid, a true copy of the foregoing document, addressed to:

Denise M. Vejmola #1152120
Florence McClure Women's Correctional Center
4370 Smiley Road
Las Vegas, NV 89115-1808

/s/ DESTINEE ALLEN
DESTINEE ALLEN

Return Of NEF**Recipients**

TERRENCE MCCARTHY, ESQ. - Notification received on 2016-11-07 11:39:08.712.
ZELALEM BOGALE, ESQ. - Notification received on 2016-11-07 11:39:08.618.
REBECCA DRUCKMAN, ESQ. - Notification received on 2016-11-07 11:39:08.415.
MAIZIE PUSICH, ESQ. - Notification received on 2016-11-07 11:39:08.259.
DIV. OF PAROLE & PROBATION - Notification received on 2016-11-07 11:39:08.556.
JOHN PETTY, ESQ. - Notification received on 2016-11-07 11:39:08.478.
CHRISTINE BRADY, ESQ. - Notification received on 2016-11-07 11:39:08.337.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR15-1461

Judge:

HONORABLE PATRICK FLANAGAN

Official File Stamp:

11-07-2016:08:31:35

Clerk Accepted:

11-07-2016:11:38:42

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. DENISE M. VEJMOLA (D7)

Document(s) Submitted:

Request for Submission

Filed By:

Terrence McCarthy

You may review this filing by clicking on the following link to take you to your cases.

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-

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The following people were served electronically:

REBECCA DRUCKMAN, ESQ. for STATE OF
NEVADA

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

JOHN REESE PETTY, ESQ. for DENISE M.
VEJMOLA

DIV. OF PAROLE & PROBATION

CHRISTINE BRADY, ESQ. for DENISE M.
VEJMOLA

MAIZIE WHALEN PUSICH, ESQ. for DENISE M.
VEJMOLA

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

DENISE MICHELLE VEJMOLA, Case No.: CR15-1461
Petitioner, Dept. No.: 7
vs.
WARDEN NEVEN, F.M.W.C.C.,
Respondent.

ORDER

Before the Court is STATE OF NEVADA's *Motion to Transfer Petition*, filed on October 5, 2016. Currently, there is no opposition filed. This matter was submitted to the Court for decision on November 7, 2016. This *Motion* was filed in response to Petitioner DENISE MICHELLE VEJMOLA's *Petition for Writ of Habeas Corpus* filed on October 4, 2016. In Ms. Vejmola's *Petition*, she challenges the computation of statutory good time credits as applied to her sentence by the Nevada Department of Corrections.

Pursuant to NRS 34.738, when a petition challenges the validity of a conviction or sentence, the petition should be filed with the clerk in the district court for the county in which the conviction occurred. However, any petition not challenging the validity of a conviction or sentence must be filed with the clerk of the district court for the county in which the party is incarcerated.¹ When a petition is filed in the

¹ NRS § 34.738(1).

1 wrong court, it must be transferred by the clerk of that court to the clerk of the district
2 court for the appropriate county.² The motion is deemed filed on the date it is received
3 by the clerk for the district court in which the petition is initially lodged.³

4 Here, Ms. Vejmola's *Petition* challenges the computation of her statutory good
5 time credits as applied to her sentence. Thus, Ms. Vejmola's *Petition for Writ of*
6 *Habeas Corpus* must be filed in the district court where Petitioner is incarcerated.
7 Petitioner is incarcerated at Florence McClure Women's Correctional Center in Las
8 Vegas, Nevada, located in Clark County. Thus, the proper court for the matter is the
9 Eighth Judicial District Court for the State of Nevada.

10 **IT IS HEREBY ORDERED** that this matter shall be remanded and transferred
11 from the Second Judicial District Court, Department Seven, the Honorable Patrick
12 Flanagan, to the Eighth Judicial District Court for the State of Nevada, for all future
13 proceedings related to this matter.

14 **IT IS SO ORDERED.**

15 **DATED** this _____ day of November, 2016.

16 
17 PATRICK FLANAGAN
18 District Judge
19
20
21
22
23
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25
26
27

28 ² NRS § 34.738(2).

³ *Id.*

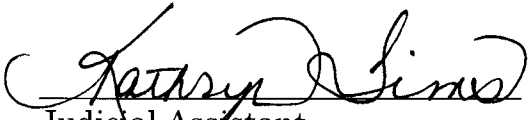
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 9 day of November, 2016, I electronically filed the following with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Terrance McCarthy, Esq., attorney for STATE OF NEVADA.

I deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Denise Michelle Vejmola #1152120
4370 Smiley Road
Las Vegas, NV 89115


Judicial Assistant

Return Of NEF**Recipients**

TERRENCE MCCARTHY, ESQ. - Notification received on 2016-11-09 17:32:35.603.
ZELALEM BOGALE, ESQ. - Notification received on 2016-11-09 17:32:35.54.
REBECCA DRUCKMAN, ESQ. - Notification received on 2016-11-09 17:32:35.322.
MAIZIE PUSICH, ESQ. - Notification received on 2016-11-09 17:32:35.213.
DIV. OF PAROLE & PROBATION - Notification received on 2016-11-09 17:32:35.462.
JOHN PETTY, ESQ. - Notification received on 2016-11-09 17:32:35.4.
CHRISTINE BRADY, ESQ. - Notification received on 2016-11-09 17:32:35.26.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR15-1461

Judge:

HONORABLE PATRICK FLANAGAN

Official File Stamp:

11-09-2016:17:31:38

Clerk Accepted:

11-09-2016:17:32:03

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. DENISE M. VEJMOLA (D7)

Document(s) Submitted:

Order...

Filed By:

Judicial Asst. KSims

You may review this filing by clicking on the following link to take you to your cases.

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If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

MAIZIE WHALEN PUSICH, ESQ. for DENISE M.
VEJMOLA

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

DIV. OF PAROLE & PROBATION

CHRISTINE BRADY, ESQ. for DENISE M.
VEJMOLA

JOHN REESE PETTY, ESQ. for DENISE M.
VEJMOLA

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

REBECCA DRUCKMAN, ESQ. for STATE OF
NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

V3. 184

Florence McClure Womens Correctional Center
4370 Smiley Road
Las Vegas, NV 89115

FILED

In The 2nd Judicial District Court of the State of Nevada

In and For the County of Washo

2017 JAN 11 PM 4:13

CR15-1461 DC-09900083783-010
STATE VS. DENISE M. VEJMOLA (1 Page
District Court 01/11/2017 04:13 PM
Washoe County 3870
RKLQTKTN

In the Matter of:

State of Nevada

Plaintiff/Petitioner

v. Denise Vejmola

Defendant/Respondent

Case No.:

CR - 15-1461

Dept No.:

JACQUELINE BRYANT
CLERK OF THE COURT

DEPUTY

REQUEST FOR RECORDS

COMES NOW Denise Vejmola, the [] Plaintiff [X] Defendant in the above-entitled cause, requests that the above-entitled Court forward copies of the following records filed in the above-entitled cause to the [] Plaintiff [X] Defendant at the above listed address:

☒ Plea Canvas

☒ Plea Agreement

☒ Case Index

☒ Sentencing Minutes

☒ Judgment of Conviction

☒ Copy of all Records in file

☐ Pre-Sentence Investigation Report

☒ Other any discovery / investigation material

Dated this 29 day of December, 2016

In Propra Persona
Respectfully Submitted By:

Signature

Denise Vejmola

Print Name

Page 1 of 1

V3. 184

1 CODE 2590
2 JOHN PETTY, #10
3 CHIEF DEPUTY PUBLIC DEFENDER
4 P.O. BOX 11130
5 RENO, NV 89520-0027
6 (775) 337-4800
7 ATTORNEY FOR: DEFENDANT

8
9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
10
11 IN AND FOR THE COUNTY OF WASHOE

12 THE STATE OF NEVADA,
13
14 Plaintiff,

15 vs.

Case No. CR15-1461

16 DENISE M VEJMOLA,
17
18 Defendant.

Dept. No. D7

19
20 **WITHDRAWAL OF COUNSEL**

21 Pursuant to Supreme Court Rule 46, JOHN PETTY of the Washoe County Public
22 Defender's Office hereby withdraws as attorney for DENISE M VEJMOLA in the above-entitled
23 case.

24 **AFFIRMATION PURSUANT TO NRS 239B.030**

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

27 Dated this 13th day of April, 2017.

28 JEREMY T. BOSLER
Washoe County Public Defender

By: /s/ JOHN PETTY
JOHN PETTY
Chief Deputy Public Defender

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada, and that on this date electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Deputy District Attorney

DATED this 13th day of April, 2017

/s/ KAREN NELSON
KAREN NELSON

Return Of NEF**Recipients**

TERRENCE MCCARTHY, ESQ. - Notification received on 2017-04-13 08:49:32.698.

ZELALEM BOGALE, ESQ. - Notification received on 2017-04-13 08:49:32.62.

REBECCA DRUCKMAN, ESQ. - Notification received on 2017-04-13 08:49:32.402.

MAIZIE PUSICH, ESQ. - Notification received on 2017-04-13 08:49:32.246.

DIV. OF PAROLE & PROBATION - Notification received on 2017-04-13 08:49:32.558.

JOHN PETTY, ESQ. - Notification received on 2017-04-13 08:49:32.464.

CHRISTINE BRADY, ESQ. - Notification received on 2017-04-13 08:49:32.324.

******* IMPORTANT NOTICE - READ THIS INFORMATION *******
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR15-1461

Judge:

HONORABLE PATRICK FLANAGAN

Official File Stamp:

04-13-2017:07:17:46

Clerk Accepted:

04-13-2017:08:49:05

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. DENISE M. VEJMOLA (D7)

Document(s) Submitted:

Notice Withdrawal of Attorney

Filed By:

John Reese Petty

You may review this filing by clicking on the following link to take you to your cases.

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-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

MAIZIE WHALEN PUSICH, ESQ. for DENISE M.
VEJMOLA

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

DIV. OF PAROLE & PROBATION

CHRISTINE BRADY, ESQ. for DENISE M.
VEJMOLA

JOHN REESE PETTY, ESQ. for DENISE M.
VEJMOLA

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

REBECCA DRUCKMAN, ESQ. for STATE OF
NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

FILED

2017 MAY 16 AM 9:07

In The 2nd Judicial District Court of the State of Nevada

In and For the County of Washoe

BY Ma Rodriguez
DEPUTY

In the Matter of:

Denise Veimda
Plaintiff/Petitioner

Case No.: CR 15-1461

State of Nevada
Defendant/Respondent

Dept No.: _____ |

Date of Hearing: _____
Time of Hearing: _____

MOTION FOR EXTENSION OF TIME
FIRST REQUEST

COMES NOW the Petitioner, Denise Vejmolá,
In Proper Person, and respectfully moves this Honorable Court for an Order **GRANTING** Petitioner an
Extension of Time from 10 day of May, 2017, to and including
7 day of September, 2017, in which to file post
conviction writ Habeas Corpus.

This request for an Extension of Time is based on Legal Rule 45-1 of the US District Court Rules and the attached affidavit of Petitioner.

Dated this 10 day of May, 2017

In Propria Persona
Respectfully Submitted By:

Signature

Print Name _____

Page of

1 Denise Veimola # 115A120
2 Florence McClure Womens Correctional Center
3 4370 Smiley Road
4 Las Vegas, NV 89115

5 In The 2nd Judicial District Court of the State of Nevada
6 In and For the County of Washoe

7 In the Matter of:

8 Denise Veimola
9 Plaintiff/Petitioner
10 State of Nevada
11 Defendant/Respondent

Case No.: CR 15-461

Dept No.: _____

12 **AFFIDAVIT**

13 STATE of NEVADA

14 COUNTY of Clark } ss

15 I, Denise Veimola, In Proper Person,
16 does hereby swear under penalty of perjury that the assertions of this Affidavit are true:

17 1. I am the ☒ Plaintiff/ ☐ Defendant in the above-entitled action. I have personal
18 knowledge of the facts contained in above-entitled case and am competent to testify to these facts.
19 The statements in this Affidavit are true and correct to the best of my knowledge.

20 2. My personal knowledge or personal observations of the situation is/are as follows:

21 On or about December 4, 2015 I
22 was sentenced to FMCWC and
23 repeated attempts have been made
24 to receive my files from my
25 attorney.

26 To date no records have been received
27 by me or this institution from
28 my attorney.

My due process is hindered.

Respectfully requesting extension to properly
prepare writ when records are
received.

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3. I, the undersigned, do hereby acknowledge that I executed the above and/or foregoing of my free will and that I am of sound mind to do so. I understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America and the State of Nevada, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge. See NRS 171.102 and NRS 208.165. See 28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 10 day of May, 2017

Denise Lejmon
Signature

Denise Lejmon
Print Name

1152120
NDOC#

Page 2 of 2

1 CODE No. 3880
CHRISTOPHER J. HICKS
2 #7747
P. O. Box 11130
3 Reno, Nevada 89520-0027
(775) 328-3200
4 Attorney for Plaintiff
5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE
* * *

8
9 THE STATE OF NEVADA,

10 Plaintiff

11 v.

Case No. CR15-1461

12 DENISE VEJMOLA,

Dept. No. 7

13 Defendant.
14 _____/

15 RESPONSE TO MOTION FOR EXTENSION OF TIME

16 Defendant Denise Vejmola has filed a motion seeking an extension of time in
17 which to file a post-conviction habeas corpus petition. This court has no authority to
18 prospectively grant that motion as there is no litigation pending before this court. If
19 Vejmola ever files a petition, she can assert whatever she wants to assert on the subject
20 of being late, and the court can then determine if her excuse is true and if it overcomes
21 the procedural bar. If she asserts that she is late because she could not get her files from
22 her lawyer, the State will point out that she already filed a petition, albeit in the wrong
23 county, and lack of files is not good cause to excuse the delay. *Hood v. State*, 111 Nev.
24 335, 338, 890 P.2d 797, 798 (1995).

1 Until then, the court should deny the motion.

2 AFFIRMATION PURSUANT TO NRS 239B.030

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

5 DATED: May 26, 2017.

6
7 CHRISTOPHER J. HICKS
8 District Attorney

9 By /s/ TERRENCE P. McCARTHY
10 TERRENCE P. McCARTHY
11 Chief Appellate Deputy

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on May 26, 2017, I deposited for mailing through the U.S. Mail Service at Reno, Washoe County, Nevada, postage prepaid, a true copy of the foregoing document, addressed to:

Denise M. Vejmla #1152120
Florence McClure Women's Correctional Center
4370 Smiley Road
Las Vegas, NV 89115-1808

/s/ DESTINEE ALLEN
DESTINEE ALLEN

Return Of NEF**Recipients**

ZELALEM BOGALE, ESQ. - Notification received on 2017-05-26 11:29:28.38.
TERRENCE MCCARTHY, ESQ. - Notification received on 2017-05-26 11:29:26.913.
REBECCA DRUCKMAN, ESQ. - Notification received on 2017-05-26 11:29:26.617.
MAIZIE PUSICH, ESQ. - Notification received on 2017-05-26 11:29:25.587.
DIV. OF PAROLE & PROBATION - Notification received on 2017-05-26 11:29:27.834.
CHRISTINE BRADY, ESQ. - Notification received on 2017-05-26 11:29:26.18.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR15-1461

Judge:

HONORABLE PATRICK FLANAGAN

Official File Stamp:

05-26-2017:11:20:27

Clerk Accepted:

05-26-2017:11:28:42

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. DENISE M. VEJMOLA (D7)

Document(s) Submitted:

Response

Filed By:

Terrence McCarthy

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-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

MAIZIE WHALEN PUSICH, ESQ. for DENISE M.
VEJMOLA

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

DIV. OF PAROLE & PROBATION

CHRISTINE BRADY, ESQ. for DENISE M.
VEJMOLA

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

REBECCA DRUCKMAN, ESQ. for STATE OF
NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

CR15-1451
STATE VS. DENISE M. VEJMOLO
District Court
Washoe County
DC-09900084582-070
DENISE M. VEJMOLO 5 Pages
06/09/2017 11:35 AM
3880
MCHQ: TCR

FILED

2017 JUN -9 AM 11:39

JACQUELINE BRYANT
CLERK OF THE COURT

RSPN

Denise Vejmola Assoc # 1152120
Florence MacClure Womens Facility
4370 Smiley Rd.
LAS VEGAS Nevada 89115

In the 2nd Judicial Dist. Court of STATE of Nevada
In and for the County of Washoe.

IN the Matter of:

Denise Michelle Vejmola
Plaintiff/Petitioner

CASE NO. CRIS - 1461

v.
STATE OF Nevada

DEPT. No. 7

Respondent

DISTRICT COURT

Petitioner's Response TO STATE OPPOSITION For Petitioners
EXTENSION OF TIME TO file WRIT OF Habeas Corpus

Petitioner Denise Vejmola filed for her extension of time to this court on MAY 16-2017. On MAY 26-2017 the STATE filed OPPOSITION to that request.

The STATES argument is that Petitioner has no pending litigation before this court. Hence the request for extension of time to file litigation in the form of a WRIT OF Habeas Corpus.

STATES response also suggests to persuade this Honorable Court into believing that Petitioner already filed an WRIT OF Habeas Corpus challenging her conviction. This is untrue. Albeit Petitioner did file an Habeas Corpus questioning the computation of time served by the Prison System on October (5th) fifth 2016. In that WRIT OF Habeas Petitioner challenges the computation of STATUTORY Good time work credits as applied to her sentence by Nevada Dept. of Corrections and has absolutely no bearing to this request of an extension of time to file a proper WRIT OF Habeas concerning her legality of her conviction.

Pursuant to NRS 34.738 when Petitioner challenges the validity of a conviction she must file with the clerk of that court in which the conviction occurred.

1 Since Petitioner had filed an writ
2 of Habeas to this court for the challenges
3 of statutory good time credits to be restored.
4 she was unaware that she had to file
5 with the clerk of the district court for the
6 county in which the party is incarcerated.

7 Subsequently that writ of Habeas that
8 did not challenge Petitioner's conviction was
9 transferred by the clerk of this court to
10 the clerk of the district court for the
11 appropriate county. NRS. 34.738 (2) See attached
12 exhibit #1 Court order to Transfer.

13 Petitioner points out the state said "she already
14 filed a petition and lack of files is not
15 good cause to excuse delay" *Hood v. State*, 111
16 Nev. 335, 899 P.2d 797, 798 (1995)

17 Petitioner filed a "motion to withdraw
18 counsel" and was granted that motion Pursuant
19 to Supreme Court Rule 46, on April 13, 2017.

20 Part of that "motion to withdraw counsel"
21 specifically states that "this court shall direct
22 attorney to turn any and all discovery -
23 court proceeding, exculpatory, anything that
24 the state turned over to attorney John Petty
25 in order to prosecute. And that demand is
26 met by NRS

27 March 21, 2017 petitioner filed a motion to
28 withdraw counsel, and was granted

Petitioner has only received a small note by John Petty with a copy of the granted motion to withdraw counsel and nothing else. See attached Exhibit #2 on April 30, 2017.

Prejudicing Petitioner from completing her writ of Habeas Corpus in a timely manner. And that is a violation of her due Process and violates her 6th amendment rights.

Finally, see attached Exhibit #3 petitioner has made numerous attempts to gain access to the law library to prepare her litigation in the form of a writ of Habeas, unfortunately due to the over-crowding of WDOC, instead of having access to the law library which is a state statute. Petitioner is lucky if she gets (1) visit every 14-30 days which is almost impossible for petitioner to assess her research options.

Petitioner asks this most honorable court to grant her motion for extension of time in order that her due Process is not violated, and Petitioner can have adequate time to produce her litigation to this honorable court.

Respectfully Submitted this 5th day of June 2017.

CERTIFICATE OF MAILING

STATE of NEVADA

COUNTY OF WASHOE

I, Denise Vejmola, do hereby certify that I am the
Petitioner in this matter and I am representing myself, In Propria
 Persona, Case No.: CR15-1461.

On this 5 day of June, 2017, I mailed a copy of the following document(s):

1. Reply to STATES OPPOSITION FOR
2. EXTENSION OF TIME TO FILE WRIT
3. of Habeas Corpus
4. Exhibits 1-3
5. Declaration of Perjury

By United States First Class Mail, Postage Prepaid to the following addresses:

CHRISTOPHER J. HICES
#7747
P.O. Box 11130
Reno, Nev. 89520-0027
(775) 328-3200

Chief of the Court
Second Judicial Dist. Court
75 COURT STREET
Reno, Nev.
89501

DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, do hereby acknowledge that I executed the above and/or foregoing of my free will and that I am of sound mind to do so. I understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above information is accurate, correct and true to the best of my knowledge executed within the terms of NRS 171.102 and NRS 208.185. See 28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 5 day of June, 2017

Denise Vejmola
 Signature

1152120
 NDOC#

Denise Vejmola
 Print Name

NRS 171.102 (2) Declaration made subject to penalty of perjury.
 NRS 208.185 A prisoner may execute any instrument by signing his name immediately following a declaration "under penalty of perjury" with the same legal effect as if he had acknowledged it or sworn to its truth before a person authorized to administer oaths. As used in this section, "prisoner" means a person confined in any jail or prison, or any facility for the detention of juvenile offenders, in this state.

Page 1 of 1

DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge executed within the terms of NRS 171.102 and NRS 208.165. See 28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 5th day of June, 2017.

Dorise Vergola
Signature

1152120
NDOC#

Dorise Vergola, M.
Print Name

NRS 171.102 (2) Declaration made subject to penalty of perjury.

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

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

(Added to NRS by 1985, 1643)

Ag. 1071

CR15-1461
STATE VS. DENISE M. VEJNOLA 4 Pages
District Court 06/09/2017 11:39 AM
Washoe County 3880
MCHN TCC

EXHIBIT 1

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

DENISE MICHELLE VEJMOLA,
Petitioner,

Case No.: CR15-1461

Dept. No.: 7

vs.

WARDEN NEVEN, F.M.W.C.C.,
Respondent.

ORDER

Before the Court is STATE OF NEVADA's *Motion to Transfer Petition*, filed on October 5, 2016. Currently, there is no opposition filed. This matter was submitted to the Court for decision on November 7, 2016. This *Motion* was filed in response to Petitioner DENISE MICHELLE VEJMOLA's *Petition for Writ of Habeas Corpus* filed on October 4, 2016. In Ms. Vejmola's *Petition*, she challenges the computation of statutory good time credits as applied to her sentence by the Nevada Department of Corrections.

Pursuant to NRS 34.738, when a petition challenges the validity of a conviction or sentence, the petition should be filed with the clerk in the district court for the county in which the conviction occurred. However, any petition not challenging the validity of a conviction or sentence must be filed with the clerk of the district court for the county in which the party is incarcerated.¹ When a petition is filed in the

¹ NRS § 34.738(1).

1 wrong court, it must be transferred by the clerk of that court to the clerk of the district
2 court for the appropriate county.² The motion is deemed filed on the date it is received
3 by the clerk for the district court in which the petition is initially lodged.³

4 Here, Ms. Vejmolá's *Petition* challenges the computation of her statutory good
5 time credits as applied to her sentence. Thus, Ms. Vejmolá's *Petition for Writ of*
6 *Habeas Corpus* must be filed in the district court where Petitioner is incarcerated.
7 Petitioner is incarcerated at Florence McClure Women's Correctional Center in Las
8 Vegas, Nevada, located in Clark County. Thus, the proper court for the matter is the
9 Eighth Judicial District Court for the State of Nevada.

10 IT IS HEREBY ORDERED that this matter shall be remanded and transferred
11 from the Second Judicial District Court, Department Seven, the Honorable Patrick
12 Flanagan, to the Eighth Judicial District Court for the State of Nevada, for all future
13 proceedings related to this matter.

14 IT IS SO ORDERED.

15 DATED this _____ day of November, 2016.

16 
17 PATRICK FLANAGAN
18 District Judge
19
20
21
22
23
24
25
26
27

28 ² NRS § 34.738(2).

³ *Id.*

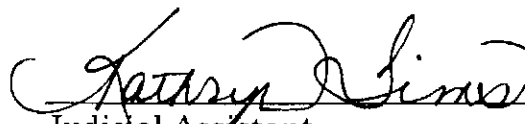
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 9 day of November, 2016, I electronically filed the following with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Terrance McCarthy, Esq., attorney for STATE OF NEVADA.

I deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Denise Michelle Vejmola #1152120
4370 Smiley Road
Las Vegas, NV 89115


Judicial Assistant

CR15-1461 DC-09900084682-072
STATE VS. DENISE M. VEJMOLA 4 Pages
District Court 06/09/2017 11:39 AM
Washoe County 3880
FVS MCHM TCR

EXHIBIT 2

V3. 209



Exhibit 2
WASHOE COUNTY
PUBLIC DEFENDER
ADVOCACY INTEGRITY COMMUNITY

P.O. BOX 11130
RENO, NEVADA 89520-0027
(775) 337-4800
(800) 762-8031
FAX (775) 337-4856

April 13, 2017

Denise M Vejmolá, BAC #1152120
C/O FMWCC
4370 Smiley Road
Las Vegas, NV 89115

Re: 16-175 CR15-1461 RCR2015-082096 69529

Dear Ms. Vejmolá:

Please find enclosed a copy of the Withdrawal of Counsel filed in the above named case.

Sincerely,

JOHN PETTY
Chief Deputy Public Defender

JP:kn

Encl.

1 CODE 2590
2 JOHN PETTY, #10
3 CHIEF DEPUTY PUBLIC DEFENDER
4 P.O. BOX 11130
5 RENO, NV 89520-0027
6 (775) 337-4800
7 ATTORNEY FOR: DEFENDANT

8
9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
10
11 IN AND FOR THE COUNTY OF WASHOE

12 THE STATE OF NEVADA,

13 Plaintiff,

14 vs.

Case No. CR15-1461

15 DENISE M VEJMOLA,

Dept. No. D7

16 Defendant.

17 **WITHDRAWAL OF COUNSEL**

18 Pursuant to Supreme Court Rule 46, JOHN PETTY of the Washoe County Public
19 Defender's Office hereby withdraws as attorney for DENISE M VEJMOLA in the above-entitled
20 case.

21 **AFFIRMATION PURSUANT TO NRS 239B.030**

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

24 Dated this 13th day of April, 2017.

25 JEREMY T. BOSLER
26 Washoe County Public Defender

27 By: /s/ JOHN PETTY
28 JOHN PETTY
Chief Deputy Public Defender

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada, and that on this date electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

DATED this 13th day of April, 2017

/s/ KAREN NELSON
KAREN NELSON

CR15-1461 DC-09900084692-073
STATE VS. DENISE M. VEJMOLA 9 Pages
District Court 06/09/2017 11:39 AM
Washoe County 3880
Washoe County

EXHIBIT 3

INMATE REQUEST FORM

1.) INMATE NAME	DOC #	2.) HOUSING UNIT	3.) DATE
Denise Vejmda	1152120	SK 206B	12.18.16

4.) REQUEST FORM TO: (CHECK BOX)

___ MENTAL HEALTH

___ CANTEEN

___ CASEWORKER

___ MEDICAL

☒ LAW LIBRARY

___ DENTAL

___ EDUCATION

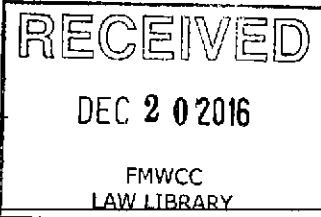
___ VISITING

___ SHIFT COMMAND

___ LAUNDRY

___ PROPERTY ROOM

___ OTHER



5.) NAME OF INDIVIDUAL TO CONTACT: _____

6.) REQUEST: (PRINT BELOW) _____

Appointment for legal research

CR 15-1461 ~~no. 1461~~

Case # CR15-1461 : 11-9-16 Granting Motion to Transfer Petition

7.) INMATE SIGNATURE

Denise Vejmda

DOC #

1152120

8.) RECEIVING STAFF SIGNATURE

[Signature]

DATE

12/19/16

9.) RESPONSE TO INMATE

Denise Vejmda

YOU ARE SCHEDULED FOR THE LAW LIBRARY ON

Thurs 12-29-16 @ 10:00AM

Please bring your case number and a pen.

Come appropriately dressed as per OP 722.09

Do not bring items not related to legal research into the law library.

10.) RESPONDING STAFF SIGNATURE

C3

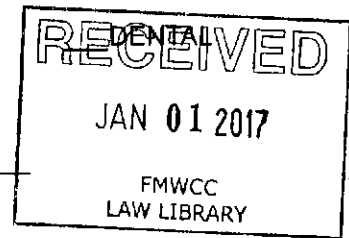
DATE

12-22-16

INMATE REQUEST FORM

1.) INMATE NAME <u>Denise Veimola</u>	DOC # <u>1152120</u>	2.) HOUSING UNIT <u>SIC206B</u> ✓	3.) DATE <u>12-29-16</u>
--	-------------------------	--------------------------------------	-----------------------------

4.) REQUEST FORM TO: (CHECK BOX)

☐ CASEWORKER☐ EDUCATION☐ LAUNDRY☐ MEDICAL☐ VISITING☐ PROPERTY ROOM☐ MENTAL HEALTH☒ LAW LIBRARY☐ SHIFT COMMAND☐ OTHER☐ CANTEEN

5.) NAME OF INDIVIDUAL TO CONTACT: _____

6.) REQUEST: (PRINT BELOW) _____

Can I please have a law library
appointment for computer research
and/or legal research. Thank You.
CR 15-1461 ✓

7.) INMATE SIGNATURE

DOC #

1152120

8.) RECEIVING STAFF SIGNATURE

DATE

12-30-16

9.) RESPONSE TO INMATE

YOU ARE SCHEDULED FOR THE LAW LIBRARY ON
Friday 1-6-17 @ 9:30 AM
 Please bring your case number and a pen.
 Come appropriately dressed as per OP 722.09
 Do not bring items not related to legal research into the law library.

10.) RESPONDING STAFF SIGNATURE

DATE

1-4-17

INMATE REQUEST FORM

1.) INMATE NAME	DOC #	2.) HOUSING UNIT	3.) DATE
Denise Vejmola	1152120	5K206B	1-23-17

4.) REQUEST FORM TO: (CHECK BOX)

___ CASEWORKER

___ MEDICAL

___ EDUCATION

___ VISITING

___ LAUNDRY

___ PROPERTY ROOM

___ MENTAL HEALTH

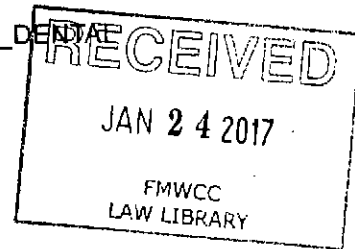
☒ LAW LIBRARY

___ SHIFT COMMAND

___ OTHER

___ CANTEEN

___ DENTAL



5.) NAME OF INDIVIDUAL TO CONTACT: _____

6.) REQUEST: (PRINT BELOW) _____

I would like an appointment
for computer and legal research

7.) INMATE SIGNATURE

DOC #

1152120

8.) RECEIVING STAFF SIGNATURE

DATE

1/24/17

9.) RESPONSE TO INMATE

Per AR 722.01, law library kites must contain an active case # or
be designated "NEW LITIGATION". You may reference a
grievance, disciplinary or conditions of confinement issue as well.

PLEASE RE-KITE ACCORDINGLY.

10.) RESPONDING STAFF SIGNATURE

DATE

2-3-17

INMATE REQUEST FORM

1.) INMATE NAME	DOC #	2.) HOUSING UNIT	3.) DATE
Denise Veymola	1152120	8K200B ✓	2.6.17

4.) REQUEST FORM TO: (CHECK BOX)

___ CASEWORKER

___ MEDICAL

___ EDUCATION

___ VISITING

___ LAUNDRY

___ PROPERTY ROOM

___ MENTAL HEALTH

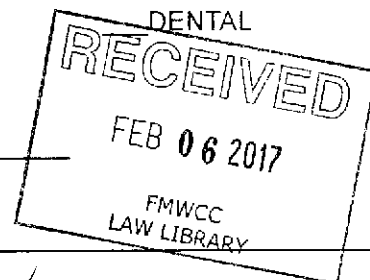
☒ LAW LIBRARY

___ SHIFT COMMAND

___ OTHER

___ CANTEEN

___ DENTAL



5.) NAME OF INDIVIDUAL TO CONTACT: _____

6.) REQUEST: (PRINT BELOW) _____

CR - 15-1461 ✓

Can I have an appointment
for legal research +
computer search

CR - 15-1461 ✓

7.) INMATE SIGNATURE

Denise Veymola

DOC #

1152120

8.) RECEIVING STAFF SIGNATURE

[Signature]

DATE

2-5-17

9.) RESPONSE TO INMATE

Tom Veymola

YOU ARE SCHEDULED FOR THE LAW LIBRARY ON

Thurs 2-21-16 @ 8:00 AM

Please bring your case number and a pen.

Come appropriately dressed as per OP 717.02

Do not bring items not related to legal research into the law library.

10.) RESPONDING STAFF SIGNATURE

C3

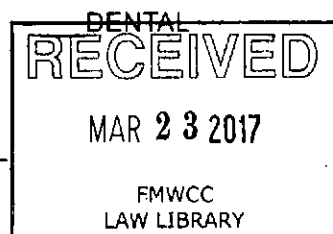
DATE

2-15-17

INMATE REQUEST FORM

1.) INMATE NAME <u>Denise Vejmda</u>	DOC # <u>1152120</u>	2.) HOUSING UNIT <u>SK 206B</u> ✓	3.) DATE <u>3-21-17</u>
---	-------------------------	--------------------------------------	----------------------------

4.) REQUEST FORM TO: (CHECK BOX)

☐ CASEWORKER☐ MEDICAL☐ EDUCATION☐ VISITING☐ LAUNDRY☐ PROPERTY ROOM☐ MENTAL HEALTH☒ LAW LIBRARY☐ SHIFT COMMAND☐ OTHER☐ CANTEEN

5.) NAME OF INDIVIDUAL TO CONTACT: _____

6.) REQUEST: (PRINT BELOW)

Appointment for Legal ResearchCR 151461 ✓

7.) INMATE SIGNATURE

DOC #

1152120

8.) RECEIVING STAFF SIGNATURE

DATE

3/23/17

9.) RESPONSE TO INMATE

Don Vejmda

YOU ARE SCHEDULED FOR THE LAW LIBRARY ON
Wed 3-29-17 @ 10:00AM
 Please bring your case number and a pen.
 Come appropriately dressed as per OP 717.02
 Do not bring items not related to legal research into the law library.

10.) RESPONDING STAFF SIGNATURE

DATE

3-27-17

INMATE REQUEST FORM

1.) INMATE NAME	DOC #	2.) HOUSING UNIT	3.) DATE
Denise Veymola	1152120	SK206B ✓	4-23-17

4.) REQUEST FORM TO: (CHECK BOX)

___ MENTAL HEALTH

___ CANTEEN

___ CASEWORKER

___ MEDICAL

☒ LAW LIBRARY

___ EDUCATION

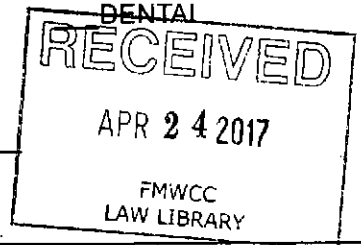
___ VISITING

___ SHIFT COMMAND

___ LAUNDRY

___ PROPERTY ROOM

___ OTHER



5.) NAME OF INDIVIDUAL TO CONTACT: _____

6.) REQUEST: (PRINT BELOW)

(15-1461) #Case#

Can I have an appointment for rental
of Habers Corpus, I believe Chapter
5 + 6

Thank you

7.) INMATE SIGNATURE

Denise Veymola

DOC #

1152120

8.) RECEIVING STAFF SIGNATURE

K. O.

DATE

4/23/17

9.) RESPONSE TO INMATE

Denise Veymola
① Bring all ~~the~~ appropriately dressed ③ Be on time!

YOU ARE SCHEDULED FOR THE LAW LIBRARY ON

Wed 4-26-16 @ 2:00 PM

① Please bring your case number and a pen.

② COME APPROPRIATELY DRESSED AS PER OP 717.02

Do not bring items not related to legal research into the law library.

RESPONDING STAFF SIGNATURE

C3

DATE

4-24-17

INMATE REQUEST FORM

1.) INMATE NAME	DOC #	2.) HOUSING UNIT	3.) DATE
Denise Vejmda	1152120	5K206B ✓	5-1-17

4.) REQUEST FORM TO: (CHECK BOX)

___ CASEWORKER

___ MEDICAL

___ EDUCATION

___ VISITING

___ LAUNDRY

___ PROPERTY ROOM

___ MENTAL HEALTH

☒ LAW LIBRARY*

___ SHIFT COMMAND

___ OTHER

___ CANTEEN

DENTAL

RECEIVED

MAY 01 2017

FMWCC
LAW LIBRARY

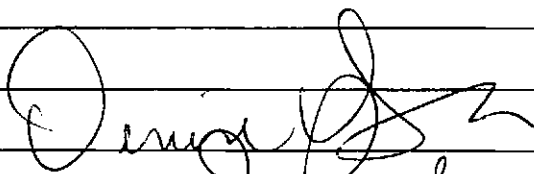
5.) NAME OF INDIVIDUAL TO CONTACT: _____

6.) REQUEST: (PRINT BELOW)

CR 151461 ✓

Can I have an appointment to file
an extension to my habeas
corpus.

7.) INMATE SIGNATURE



DOC #

1152120

8.) RECEIVING STAFF SIGNATURE




DATE

4/30/17

9.) RESPONSE TO INMATE



YOU ARE SCHEDULED FOR THE LAW LIBRARY ON

 Thurs 5-4-17 @ 8:00AM

Please bring your case number and a pen.

COME APPROPRIATELY DRESSED AS PER OP 717.02

Do not bring items not related to legal research into the law library.

10.) RESPONDING STAFF SIGNATURE



DATE

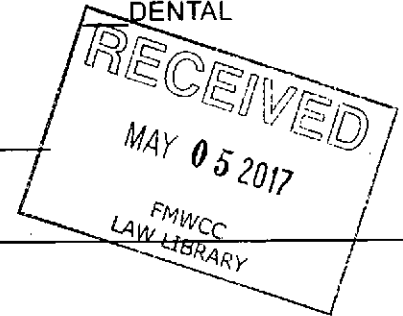
5-2-17

INMATE REQUEST FORM

1.) INMATE NAME	DOC #	2.) HOUSING UNIT	3.) DATE
Denise Vajmola	1152120	5K 206B	5-5-17

4.) REQUEST FORM TO: (CHECK BOX)

☐ CASEWORKER ☐ MEDICAL ☒ LAW LIBRARY ☐ MENTAL HEALTH ☐ CANTEEN
☐ EDUCATION ☐ VISITING ☐ SHIFT COMMAND ☐ DENTAL
☐ LAUNDRY ☐ PROPERTY ROOM ☐ OTHER



5.) NAME OF INDIVIDUAL TO CONTACT:

6.) REQUEST: (PRINT BELOW)

CR 15-1461

Can I have an appointment
to file extension for
habeas corpus

7.) INMATE SIGNATURE

DOC #

1152120

8.) RECEIVING STAFF SIGNATURE

DATE

5/5/17

9.) RESPONSE TO INMATE

Denise Vajmola

YOU ARE SCHEDULED FOR THE LAW LIBRARY ON

Wed 5-10-17 @ 2:00 PM

Please bring your case number and a pen.

COME APPROPRIATELY DRESSED AS PER OP 717.02

Do not bring items not related to legal research into the law library.

10.) RESPONDING STAFF SIGNATURE

DATE

5-5-17

CODE No. 3860
CHRISTOPHER J. HICKS
#7747
P. O. Box 11130
Reno, Nevada 89520-0027
(775) 328-3200
Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

Case No. CR15-1461

DENISE VEJMOLA,

Dept. No. 7

Defendant.

_____ /

REQUEST FOR SUBMISSION

It is requested that Defendant's Motion for Extension of Time, filed on May 16, 2017, be submitted to the Court for decision.

AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED: June 14, 2017.

CHRISTOPHER J. HICKS
District Attorney

By /s/ TERRENCE P. McCARTHY
TERRENCE P. McCARTHY
Chief Appellate Deputy

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on June 14, 2017, I deposited for mailing through the U.S. Mail Service at Reno, Washoe County, Nevada, postage prepaid, a true copy of the foregoing document, addressed to:

Denise Vejmola #1152120
Florence McClure Women's Correctional Center
4370 Smiley Road
Las Vegas, NV 89115-1808

/s/ DESTINEE ALLEN
DESTINEE ALLEN

Return Of NEF**Recipients**

ZELALEM BOGALE, ESQ. - Notification received on 2017-06-14 08:23:34.033.

TERRENCE MCCARTHY, ESQ. - Notification received on 2017-06-14 08:23:33.892.

REBECCA DRUCKMAN, ESQ. - Notification received on 2017-06-14 08:23:33.814.

MAIZIE PUSICH, ESQ. - Notification received on 2017-06-14 08:23:33.69.

DIV. OF PAROLE & PROBATION - Notification received on 2017-06-14 08:23:33.97.

CHRISTINE BRADY, ESQ. - Notification received on 2017-06-14 08:23:33.752.

******* IMPORTANT NOTICE - READ THIS INFORMATION *******
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR15-1461

Judge:

HONORABLE PATRICK FLANAGAN

Official File Stamp:

06-14-2017:08:12:54

Clerk Accepted:

06-14-2017:08:23:04

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. DENISE M. VEJMOLA (D7)

Document(s) Submitted:

Request for Submission

Filed By:

Terrence McCarthy

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

MAIZIE WHALEN PUSICH, ESQ. for DENISE M.
VEJMOLA

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

DIV. OF PAROLE & PROBATION

CHRISTINE BRADY, ESQ. for DENISE M.
VEJMOLA

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

REBECCA DRUCKMAN, ESQ. for STATE OF
NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

DENISE MICHELLE VEJMOLA,
Petitioner,

Case No.: CR15-1461

Dept. No.: 7

vs.

STATE OF NEVADA,
Respondent.

ORDER

Currently before the Court is Petitioner DENISE MICHELLE VEJMOLA's *Motion for Extension of Time*, filed on May 16, 2017. On May 28, 2017, Respondent STATE OF NEVADA, filed *Response to Motion for Extension of Time*. On June 9, 2017, Petitioner filed *Response to State's Opposition to Motion for Extension of Time*. The matter was submitted to the Court on June 14, 2017. After considerable review, this Court does not have jurisdiction over the matter. Pursuant to its November 9, 2016 *Order*, the Court remanded and transferred the matter to the Eighth Judicial District Court for all future proceedings. Accordingly, and good cause appearing, Petitioner's *Motion for Extension of Time* is **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

DATED this 15 day of June, 2017.


for PATRICK FLANAGAN
District Judge

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 15 day of June, 2017, I electronically filed the following with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Terrance McCarthy, Esq., attorney for STATE OF NEVADA.

I deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Denise Michelle Vejmola #1152120
4370 Smiley Road
Las Vegas, NV 89115


Judicial Assistant

Return Of NEF**Recipients**

ZELALEM BOGALE, ESQ. - Notification received on 2017-06-15 11:10:38.924.
TERRENCE MCCARTHY, ESQ. - Notification received on 2017-06-15 11:10:38.768.
REBECCA DRUCKMAN, ESQ. - Notification received on 2017-06-15 11:10:38.689.
MAIZIE PUSICH, ESQ. - Notification received on 2017-06-15 11:10:38.549.
DIV. OF PAROLE & PROBATION - Notification received on 2017-06-15 11:10:38.846.
CHRISTINE BRADY, ESQ. - Notification received on 2017-06-15 11:10:38.627.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR15-1461

Judge:

HONORABLE PATRICK FLANAGAN

Official File Stamp:

06-15-2017:11:09:26

Clerk Accepted:

06-15-2017:11:10:05

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. DENISE M. VEJMOLA (D7)

Document(s) Submitted:

Order...

Filed By:

Judicial Asst. KSims

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

MAIZIE WHALEN PUSICH, ESQ. for DENISE M.
VEJMOLA

DIV. OF PAROLE & PROBATION

CHRISTINE BRADY, ESQ. for DENISE M.
VEJMOLA

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

REBECCA DRUCKMAN, ESQ. for STATE OF
NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

FILED

NOV 22 2021

Florence McClure Women's Correctional Center
4370 Smiley Rd.
Las Vegas, NV 89115

ALICIA L. LERUD, CLERK
By: [Signature]
DEPUTY CLERK

In the 2nd Judicial District Court of the State of Nevada

In and for the County of Washoe

In the matter of:

Denise Vejmolat
Plaintiff/Petitioner

Case No: CR 15-1461

State of Nevada
Defendant/Respondent

Dept No.: VII

MOTION TO AMEND JUDGEMENT OF CONVICTION

COMES NOW DEFENDANT, Denise Vejmolat, in Proper Person
and hereby requesting the District Court to amend the Judgment of Conviction
in the above-entitled case as detailed in the attached Statement of Facts.

This document does not contain the personal information of any person as
defined by NRS 603A.40.

Dated this 12 day of November, 2021

Respectfully submitted,

[Signature]

Signature

Denise Vejmolat

Print Name

POINTS AND AUTHORITIES

Nevada Rev. Stat. 34.724(2) b

"Such a petition (b) comprehends and takes the place of all other common-law, statutory or other remedies which have been available for challenging the validity of the conviction of sentence, and must be used exclusively in place of them."

According to the AB236 Law Sec 55(2)(c)

"Burglary of a business is guilty of a Cat C Felony and shall be punished as provided in NRS 193.130", and

Section 34(1)(2)(d)

"thirty - six months for a Category B Felony."

I am serving two (2) 4-10 year Sentences on a burglary of a business ~~the~~ (or) Cat B felony which under the AB236 Law Section 55(2)(c) is now a Cat C felony.

I am minimum custody eligible and I have worked my entire institutional time. I have become a dog handler, completed CSN course, taken Anger Management, Seeking Safety, SOARS, and Parenting

POINTS AND AUTHORITIES

classes. I have made positive
changes since being in prison.

I am requesting a sentence
reduction under ARB 236 Section 5.5
(See Exhibit A) and 34 (See Exhibit B).

DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 12 day of NOVEMBER, 2021

Denise Degmola
Signature

1152120
Nevada Department of Corrections ID #

This document does not contain the personal information of any person as defined by NRS 603A.40.

¹ NRS 171.102

² NRS 208.165

³ 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury
18 U.S.C.

§ 1621. Perjury generally

CERTIFICATE OF MAILING

STATE OF NEVADA

COUNTY OF

WashoeI am the ☒ Plaintiff/Petitioner ☐ Defendant/Respondent

for Case No: _____

On this 12 day of November, 2021, I mailed a copy of the

Following document(s):

1. Motion to Admire Judgment of Conviction
2. Request for Submission
3. Affirmation
4. Index of Exhibits
5. _____

By United States First Class Mail, to the following addresses:

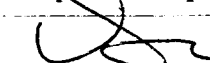
1. Clerk of Court
2. _____

Washoe County District Court75 Court StreetReno NV 89501

3. _____

Dated this 12 day of November, 2021.

Respectfully submitted,



Signature

Denise Vejmola

Printed Name

1 This document does not contain the personal information of any person as
2 defined by NRS 603A.40.

3
4 DECLARATION UNDER PENALTY OF PERJURY

5 I, the undersigned, understand that a false statement or answer to any question in this declaration will
6 subject me to penalties of perjury.

7 I declare, under the penalty of perjury under the laws of the United States of America,
8 that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed
9 within the terms of ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

10 Dated this 12 day of November, 2021

11 Denise [Signature]
12 Signature

13 1152120
14 Nevada Department of Corrections ID #

15
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21
22
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25
26 ¹ NRS 171.102

27 ² NRS 208.165

28 ³ 28 U.S.C.

¹1746. Unsworn declarations under penalty of perjury

18 U.S.C.

§ 1621. Perjury generally

INDEX OF EXHIBITS

Exhibit Number A Number of Pages 3

Exhibit Description _____

Exhibit Number B Number of Pages 1

Exhibit Description _____

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

Exhibit Cover Page

EXHIBIT NUMBER A

Sec. 55. NRS 205.060 is hereby amended to read as follows:

205.060 1. ~~{Except as otherwise provided in subsection 5, a}~~
A person who, by day or night, **unlawfully enters or unlawfully remains in any** ~~{house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car.}~~ :

(a) **Dwelling** with the intent to commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, is guilty of **residential burglary**.

(b) **Business structure with the intent to commit grand or petit larceny, assault or battery on any person or any felony is guilty of burglary of a business.**

(c) **Motor vehicle, or any part thereof, with the intent to commit grand or petit larceny, assault or battery on any person or any felony is guilty of burglary of a motor vehicle.**

(d) **Structure other than a dwelling, business structure or motor vehicle with the intent to commit grand or petit larceny, assault or battery on any person or any felony is guilty of burglary of a structure.**

2. Except as otherwise provided in this section, a person convicted of ~~{burglary}~~ :

(a) **Burglary of a motor vehicle:**

(1) **For the first offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.**

(2) **For a second or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.**

(b) **Burglary of a structure is guilty of a category D felony and shall be punished as provided in NRS 193.130.**

(c) **Burglary of a business is guilty of a category C felony and shall be punished as provided in NRS 193.130.**

(d) **Residential burglary is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years . ~~{and may be further punished by a fine of not more than \$10,000. A}~~**

3. **If mitigating circumstances exist, a person who is convicted of residential burglary ~~{and who}~~ may be released on probation and granted a suspension of sentence if the person has not previously been convicted of residential burglary or another crime involving the ~~{forcible}~~ unlawful entry or invasion of a dwelling .**



80th Session (2019)

~~{must not be released on probation or granted a suspension of sentence.}~~

~~—3.}~~ **4.** Whenever ~~{a}~~ any burglary pursuant to this section is committed on a vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in motion or in rest, in this State, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car traveled during the time the burglary was committed.

~~{4.}~~ **5.** A person convicted of any burglary pursuant to this section who has in his or her possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the dwelling, structure or motor vehicle or upon leaving the dwelling, structure ~~{}~~ or motor vehicle, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$10,000.

~~{5. The crime of burglary does not include the act of entering a commercial establishment during business hours with the intent to commit petit larceny unless the person has previously been convicted.}~~

~~—(a) Two or more times for committing petit larceny within the immediately preceding 7 years; or~~

~~—(b) Of a felony.}~~

6. As used in this section:

(a) *“Business structure” means any structure or building, the primary purpose of which is to carry on any lawful effort for a business, including, without limitation, any business with an educational, industrial, benevolent, social or political purpose, regardless of whether the business is operated for profit.*

(b) *“Dwelling” means any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car, including, without limitation, any part thereof that is divided into a separately occupied unit:*

(1) *In which any person lives; or*

(2) *Which is customarily used by a person for overnight accommodations,*

↪ regardless of whether the person is inside at the time of the offense.



80th Session (2019)

(c) *"Motor vehicle" means any motorized craft or device designed for the transportation of a person or property across land or water or through the air which does not qualify as a dwelling or business structure pursuant to this section.*

(d) *"Unlawfully enters or unlawfully remains" means for a person to enter or remain in a dwelling, structure or motor vehicle or any part thereof, including, without limitation, under false pretenses, when the person is not licensed or privileged to do so. For purposes of this definition, a license or privilege to enter or remain in a part of a dwelling, structure or motor vehicle that is open to the public is not a license or privilege to enter or remain in a part of the dwelling, structure or motor vehicle that is not open to the public.*

Sec. 56. NRS 205.067 is hereby amended to read as follows:

205.067 1. A person who, by day or night, forcibly enters ~~for~~ ~~inhabited~~ a dwelling without permission of the owner, resident or lawful occupant, whether or not a person is present at the time of the entry, is guilty of invasion of the home.

2. A person convicted of invasion of the home is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000. A person who is convicted of invasion of the home and who has previously been convicted of any burglary pursuant to NRS 205.060 or invasion of the home must not be released on probation or granted a suspension of sentence.

3. Whenever an invasion of the home is committed on a vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in motion or in rest, in this State, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car traveled during the time the invasion was committed.

4. A person convicted of invasion of the home who has in his or her possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the structure or upon leaving the structure, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$10,000.



80th Session (2019)

Exhibit Cover Page

EXHIBIT NUMBER B

court ~~{ }~~ , including, without limitation, any specialty court program.

3. The court shall not suspend the execution of a sentence of imprisonment after the defendant has begun to serve it.

4. In placing any defendant on probation or in granting a defendant a suspended or deferred sentence, the court shall direct that the defendant be placed under the supervision of the Chief Parole and Probation Officer.

Sec. 33. NRS 176A.420 is hereby amended to read as follows:

176A.420 1. Upon the granting of probation to a person convicted of a felony or gross misdemeanor, the court may, when the circumstances warrant, require as a condition of probation that the probationer submit to periodic tests to determine whether the probationer is using any controlled substance. Any such use or any failure or refusal to submit to a test is a ~~{ground for revocation of probation}~~ violation for which a graduated sanction may be imposed in accordance with the system adopted by the Division pursuant to section 18 of this act.

2. Any expense incurred as a result of a test must be paid from appropriations to the Division on claims as other claims against the State are paid.

Sec. 34. NRS 176A.500 is hereby amended to read as follows:

176A.500 1. ~~{The}~~ Except as otherwise provided in subsection 2, the period of probation or suspension of sentence may be indeterminate or may be fixed by the court and may at any time be extended or terminated by the court, but the period, including any extensions thereof, must not be more than:

(a) ~~{Three years}~~ Twelve months for a:

(1) Gross misdemeanor; or

(2) Suspension of sentence pursuant to NRS 176A.260, 176A.290 or 453.3363 ~~{ }~~ or section 22 of this act;

(b) ~~{Five years}~~ Eighteen months for a category E felony ~~{ }~~ ;

(c) Twenty-four months for a category C or D felony;

(d) Thirty-six months for a category B felony; or

(e) Notwithstanding the provisions of paragraphs (a) to (d), inclusive, 60 months for a violent or sexual offense as defined in NRS 202.876 or a violation of NRS 200.508.

2. The court may extend the period of probation or suspension of sentence ordered pursuant to subsection 1 for a period of not more than 12 months if such an extension is necessary for the defendant to complete his or her participation in a specialty court program.



80th Session (2019)

SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE, STATE OF NEVADA

AFFIRMATION
Pursuant to NRS 239B.030 and 603A.040

The undersigned does hereby affirm that the preceding document, *(title of document)*

Motion to Adment Judgement of Conviction
file in case number: CR 15-1461

(☒ mark one)

☒ Document does not contain the personal information of any person.

☐ Document contains the social security number of a person as required by: (☒ mark one)

☐ A specific state or federal law, to wit: *(write the specific state or federal law)*

☐ For the administration of a public program

☐ For the administration for a federal or state grant

☐ Confidential Family Court Information Sheet (NRS 125.130, NRS 125.230, and
NRS 125B.055)

DATED this 12 day of November, 2021

Submitted By: *(Your signature)* Denise Vejmolá

(Print your name) Denise Vejmolá

(Attorney for) _____

FILED

NOV 22 2021

ALICIA L. LERUD, CLERK
By: [Signature]
DEPUTY CLERK

Code: 3860
 Name: Denise Vejmolá #115AP0
 Address: 4370 Smiley Road
 Las Vegas NV 89115
 Telephone: _____
 Email: _____

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

Denise Vejmolá,
 vs. Plaintiff,
State of Nevada
 Defendant,

Case No. CR 15-1461
 Dept. No. VII

REQUEST FOR SUBMISSION

I request that the Motion to Admit Judgment of Conviction that was filed
 (Print the name of the document(s) to be submitted to the Court)

on November 12, 2021 be submitted to the Court for decision.
 (Date the document was filed)

This document does not contain the personal information of any person as defined by
 NRS 603A.040.

I declare under penalty of perjury under the law of the State of Nevada the foregoing is true and
 correct.

Date: November 12, 2021

Your Signature

[Signature]

Print Your Name

Denise Vejmolá

CODE No. 2645
CHRISTOPHER J. HICKS
#7747
One South Sierra Street
Reno, Nevada 89501
(775) 328-3200
districtattorney@da.washoecounty.gov
Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

Case No. CR15-1461

v.

Dept. No. 7

DENISE MICHELLE VEJMOLA,

Defendant.

_____ /

OPPOSITION TO MOTION TO AMEND JUDGMENT OF CONVICTION

COMES NOW, the State of Nevada, by and through CHRISTOPHER J. HICKS, District Attorney, and Jennifer Noble, Chief Appellate Deputy, and hereby opposes the Motion to Amend Joc filed by Denise Michelle Vejmola, (**hereinafter**, “Defendant”) on November 22, 2021. This Opposition is based on the pleadings and papers on file with this Court, and the following points and authorities.

POINTS AND AUTHORITIES

In her motion, the defendant seeks reduction of her sentence based on Assembly Bill 236, which made changes to Nevada's burglary statutes and penalties, but her reliance on AB 236 is misplaced. See Assembly Bill 236, available at

<https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6419/Text>. Portions of the bill applicable to Nevada's burglary statutes did not become effective until July 1, 2020.

Absent contrary indication by the Legislature, statutes are generally prospective in application. See *Convention Properties v. Washoe Co. Assessor*, 106 Nev. 400, 402, 793 P.2d 1332, 1333 (1990) (there is a general presumption in favor of prospective application in absence of legislative intent clearly manifested to the contrary); *State ex rel. State Bd. Of Equalization v. Barta*, 124 Nev. 612, 622, 188 P.3d 1092 (2008) (recognizing that regulations and statutes operate prospectively, absent clearly manifested retroactive intent); *State v. Merolla*, 100 Nev. 461, 686 P.2d 244 (1984) (statutes must generally be construed to have only prospective effect, unless a contrary legislative intent is clearly indicated by the express terms of the statute) See also *Hassett v. Welch*, 303 U.S. 303, 58 S.Ct. 559, 82 L.Ed. 858 (1938); *Shepley v. Warden*, 90 Nev. 93, 518 P.2d 619 (1974).

More support for the State's position can be found in Assembly Bill 3, passed during the second special session of 2020. Section 8, that bill made a portion of AB 236 retroactive by requiring that person sentenced after July 1, 2020, be subject to the probation terms contemplated by AB 236. See Assembly Bill 3, available at <https://www.leg.state.nv.us/App/NELIS/REL/32nd2020Special/Bill/7142/Text>. Had AB 236 been retroactive in application, there would have no need for AB 3 to include such a provision. Furthermore, the legislative history of AB 236 supports the position that the bill is not retroactive. The minutes of the Assembly Committee on Judiciary dated March 8, 2019, reflect the Assembly Judiciary Committee Chair Steve Yeager, and the Advisory Commission on the Administration of Justice Chair, Justice James

Hardesty, presented AB 236 to the Assembly Judiciary Committee. Legislative minutes notate that during the March 8, 2019, meeting, Assemblywoman Sarah Peters asked the presenters about retroactive application of AB 236 and Assemblyman Yeager answered:

“Generally speaking, it would not be retroactive. The effective date of the bill, whenever it is effective, means that it would apply to any sentencing that happened after that date. We would not be going back and looking at prior sentences. Although, from a fairness perspective, we may want to do that as a Legislature. It becomes extraordinarily difficult to do, particularly in the context of making sure victims had their day and had their say, to go back and undo some of that. It would just apply going forward.”

See Minutes of the Meeting of the Assembly Committee on Judiciary, March 8, 2019, p.

20; available at

<https://www.leg.state.nv.us/Session/80th2019/Minutes/Assembly/JUD/Final/403.pdf>

AB 236 does not operate to shorten the defendant’s sentence. The Motion should be denied.

AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED: December 2, 2021.

CHRISTOPHER J. HICKS
District Attorney

By /s/ Jennifer P. Noble
JENNIFER P. NOBLE
Chief Appellate Deputy

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on December 2, 2021, I deposited for mailing through the U.S. Mail Service at Reno, Washoe County, Nevada, postage prepaid, a true copy of the foregoing document, addressed to:

Denise Michelle Vejmola #1152120
Florence McClure Women's Correctional Center
4370 Smiley Road
Las Vegas, Nevada 89115-1808

/s/ Cecilia Sixta
CECILIA SIXTA

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2021-12-03 07:44:20.165.
REBECCA DRUCKMAN, ESQ. - Notification received on 2021-12-03 07:44:20.087.
DIV. OF PAROLE & PROBATION - Notification received on 2021-12-03 07:44:20.14.
ADAM CATE, ESQ. - Notification received on 2021-12-03 07:44:20.113.
CHRISTINE BRADY, ESQ. - Notification received on 2021-12-03 07:44:20.06.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR15-1461

Judge:

HONORABLE EGAN WALKER

Official File Stamp:

12-02-2021:16:16:27

Clerk Accepted:

12-03-2021:07:43:52

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. DENISE M. VEJMOLA (D7)

Document(s) Submitted:

Opposition to Mtn

Filed By:

Jennifer Patricia Noble

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

ADAM D. CATE, ESQ. for STATE OF NEVADA
DIV. OF PAROLE & PROBATION

CHRISTINE BRADY, ESQ. for DENISE M.
VEJMOLA

REBECCA DRUCKMAN, ESQ. for STATE OF
NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

MAIZIE WHALEN PUSICH, ESQ. for DENISE M.
VEJMOLA

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

* * *

DENISE MICHELLE VEJMOLA,

Petitioner.

Case No.: CR15-1461

vs.

Dept. No.: 7

THE STATE OF NEVADA.,

Respondent.
_____**ORDER DENYING MOTION TO AMEND JUDGMENT OF CONVICTION**

Presently before the Court is the *Motion to Amend Judgement* [sic] of *Conviction* (“the Motion”). Petitioner DENISE MICHELLE VEJMOLA (“Petitioner”) filed the Motion on November 22, 2021, and contemporaneously submitted the Motion. Respondent THE STATE OF NEVADA (“the State”) has not responded.

Having reviewed the filings and all related documents, the Court finds and orders as follows:

On October 14, 2015, Defendant plead guilty to Count I, Burglary, a violation of NRS 205.060, a felony; Count II, Burglary, a violation of NRS 205.060, a felony; Count III, Possession of Forged Instruments, a violation of NRS 205.160, a felony. On December 2, 2015, Petitioner was sentenced on the three felony Counts. On Count I, Petitioner was sentenced to a minimum term of Forty-Eight (48) months, to a maximum term of One Hundred and Twenty (120) months, with One

Hundred and Ninety-Six (196) days credit for time served. On Count II, Petitioner was sentenced to a minimum term of Forty-Eight (48) months to a maximum term of One Hundred and Twenty (120) months, to be served consecutive to Count I. On Count III, Petitioner was sentenced to a minimum term of Twenty-Four (24) months to a maximum term of Sixty (60) months, to be served consecutive to Count II. The aggregate term of imprisonment in the Nevada Department of Corrections is a minimum of One Hundred and Twenty (120) months to a maximum of Three Hundred (300) months.

Petitioner filed the instant motion to request the Court to amend her Judgment of Conviction and reduce her sentence. Petitioner requests this Court amend her sentence pursuant to A.B. 236.¹ Petitioner is correct that the crime of Burglary, a violation of NRS 205.060, was changed from a category B felony to a category C felony in the new law. However, the Nevada Legislature did not make the law retroactive. The Court does not have jurisdiction to consider this request. The Court can amend a judgment of conviction only if it falls within two narrow grounds: correcting an illegal sentence or modifying a sentence. Here, neither of these grounds apply to Petitioner's request.

Sentencing decisions fall within the province of the trial court. *Stromberg v. Second Jud. Dist. Ct.*, 125 Nev. 1, 8, 200 P.3d 509, 513 (2009). The trial court's discretion is limited by the sentencing parameters established by the Legislature in the relevant sentencing statute. *State v. Second Jud. Dist. Ct.* (Hearn), 134 Nev. Adv. Op. 96, 432 P.3d 154, 158 (2018). A district court has limited authority to revisit a sentence after the Petitioner has started serving it. *Passanisi v. State*, 108 Nev. 318, 321-23, 831 P.2d 1371, 1372-73 (1992) overruled on other grounds by *Harris v. State*, 130 Nev. 435, 329 P.3d 619 (2014). The two avenues to alter a sentence are sentence modification and the correction of an illegal sentence. A district court has inherent authority to

¹ AB236 was a Nevada Assembly bill in the 2019 legislative session that made changes to the Criminal Justice System in the State of Nevada. AB236 was signed into law and came into effect on July 1, 2020.

modify a sentence within statutory limits which was pronounced “based on a materially untrue assumption or mistake of fact that has worked to the extreme detriment of the Petitioner.” *Edwards v. State*, 112 Nev. 704, 707, 918 P.2d 321, 324 (1996).² However, modification is limited to situations where the sentence “is the result of the sentencing judge’s misapprehension of a Petitioner’s criminal record.” *Id.* In contrast, a motion to correct an illegal sentence challenges the legality of a sentence on its face. *Id.* at 708, 918 P.2d at 324. 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.” *Id.* (internal quotations and citations omitted).

These two narrow grounds are the only avenue the district court has to amend a judgment of conviction. Here, Petitioner has neither shown she is serving an illegal sentence nor the sentencing judge relied upon a materially untrue assumption about her criminal history when administering the sentence. Therefore, the Court must deny the motion.

IT IS ORDERED the *Motion to Amend Judgement* [sic] of *Conviction* is hereby **DENIED**.

DATED this 3 day of December, 2021.



EGAN K. WALKER
District Judge

² Motions to modify are exempted from the time constraints and procedural requirements which govern writs of habeas corpus. *Edwards*, 112 Nev. at 709, 918 P.2d at 325 (explaining motions to modify are separate criminal proceedings).

CERTIFICATE OF MAILING

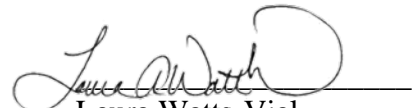
Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 3 day of December, 2021, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Denise M. Vejmola #1152120
Florence McClure Women's Correctional Facility
4370 Smiley, Rd.
Las Vegas, NV 89115

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 3 day of December, 2021, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

JENNIFER NOBLE, ESQ.


Laura Watts-Vial
Judicial Assistant

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2021-12-03 08:26:26.611.
REBECCA DRUCKMAN, ESQ. - Notification received on 2021-12-03 08:26:26.51.
DIV. OF PAROLE & PROBATION - Notification received on 2021-12-03 08:26:26.573.
ADAM CATE, ESQ. - Notification received on 2021-12-03 08:26:26.54.
CHRISTINE BRADY, ESQ. - Notification received on 2021-12-03 08:26:26.479.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR15-1461

Judge:

HONORABLE EGAN WALKER

Official File Stamp:

12-03-2021:08:25:08

Clerk Accepted:

12-03-2021:08:25:53

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. DENISE M. VEJMOLA (D7)

Document(s) Submitted:

Ord Denying Motion

Filed By:

Judicial Asst. LWatts-Vial

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

ADAM D. CATE, ESQ. for STATE OF NEVADA
DIV. OF PAROLE & PROBATION

CHRISTINE BRADY, ESQ. for DENISE M.
VEJMOLA

REBECCA DRUCKMAN, ESQ. for STATE OF
NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

MAIZIE WHALEN PUSICH, ESQ. for DENISE M.
VEJMOLA

CODE 2540

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Plaintiff,

Case No: CR15-1461

vs.

Dept. No: 7

DENISE MICHELLE VEJMOLA,

Defendant.

_____ /

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on December 3, 2021, the Court entered a decision or order in this matter, a true and correct copy of which is attached hereto.

Dated December 6, 2021.

ALICIA LERUD

Clerk of the Court

/s/N. Mason

N. Mason-Deputy Clerk

CERTIFICATE OF SERVICE

Case No. CR15-1461

Pursuant to NRCP 5 (b), I certify that I am an employee of the Second Judicial District Court; that on December 6, 2021, I electronically filed the Notice of Entry of Order with the Court System which will send a notice of electronic filing to the following:

JENNIFER P. NOBLE, ESQ. for STATE OF NEVADA
ADAM D. CATE, ESQ. for STATE OF NEVADA
DIV. OF PAROLE & PROBATION
CHRISTINE BRADY, ESQ. for DENISE M. VEJMOLA
REBECCA DRUCKMAN, ESQ. for STATE OF NEVADA

I further certify that on December 6, 2021, I deposited in the Washoe County mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a true copy of the attached document, addressed to:

Attorney General's Office
100 N. Carson Street
Carson City, NV 89701-4717

Denise M. Vejmola (#1152120)
Florence McClure Correctional Center
4370 Smiley Road
Las Vegas, NV 89115

The undersigned does hereby affirm that pursuant to NRS 239B.030 and NRS 603A.040, the preceding document does not contain the personal information of any person.

Dated December 6, 2021.

/s/N. Mason
N. Mason- Deputy Clerk

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

* * *

DENISE MICHELLE VEJMOLA,

Petitioner.

Case No.: CR15-1461

vs.

Dept. No.: 7

THE STATE OF NEVADA.,

Respondent.
_____**ORDER DENYING MOTION TO AMEND JUDGMENT OF CONVICTION**

Presently before the Court is the *Motion to Amend Judgement* [sic] of *Conviction* (“the Motion”). Petitioner DENISE MICHELLE VEJMOLA (“Petitioner”) filed the Motion on November 22, 2021, and contemporaneously submitted the Motion. Respondent THE STATE OF NEVADA (“the State”) has not responded.

Having reviewed the filings and all related documents, the Court finds and orders as follows:

On October 14, 2015, Defendant plead guilty to Count I, Burglary, a violation of NRS 205.060, a felony; Count II, Burglary, a violation of NRS 205.060, a felony; Count III, Possession of Forged Instruments, a violation of NRS 205.160, a felony. On December 2, 2015, Petitioner was sentenced on the three felony Counts. On Count I, Petitioner was sentenced to a minimum term of Forty-Eight (48) months, to a maximum term of One Hundred and Twenty (120) months, with One

Hundred and Ninety-Six (196) days credit for time served. On Count II, Petitioner was sentenced to a minimum term of Forty-Eight (48) months to a maximum term of One Hundred and Twenty (120) months, to be served consecutive to Count I. On Count III, Petitioner was sentenced to a minimum term of Twenty-Four (24) months to a maximum term of Sixty (60) months, to be served consecutive to Count II. The aggregate term of imprisonment in the Nevada Department of Corrections is a minimum of One Hundred and Twenty (120) months to a maximum of Three Hundred (300) months.

Petitioner filed the instant motion to request the Court to amend her Judgment of Conviction and reduce her sentence. Petitioner requests this Court amend her sentence pursuant to A.B. 236.¹ Petitioner is correct that the crime of Burglary, a violation of NRS 205.060, was changed from a category B felony to a category C felony in the new law. However, the Nevada Legislature did not make the law retroactive. The Court does not have jurisdiction to consider this request. The Court can amend a judgment of conviction only if it falls within two narrow grounds: correcting an illegal sentence or modifying a sentence. Here, neither of these grounds apply to Petitioner's request.

Sentencing decisions fall within the province of the trial court. *Stromberg v. Second Jud. Dist. Ct.*, 125 Nev. 1, 8, 200 P.3d 509, 513 (2009). The trial court's discretion is limited by the sentencing parameters established by the Legislature in the relevant sentencing statute. *State v. Second Jud. Dist. Ct.* (Hearn), 134 Nev. Adv. Op. 96, 432 P.3d 154, 158 (2018). A district court has limited authority to revisit a sentence after the Petitioner has started serving it. *Passanisi v. State*, 108 Nev. 318, 321-23, 831 P.2d 1371, 1372-73 (1992) overruled on other grounds by *Harris v. State*, 130 Nev. 435, 329 P.3d 619 (2014). The two avenues to alter a sentence are sentence modification and the correction of an illegal sentence. A district court has inherent authority to


¹ AB236 was a Nevada Assembly bill in the 2019 legislative session that made changes to the Criminal Justice System in the State of Nevada. AB236 was signed into law and came into effect on July 1, 2020.

modify a sentence within statutory limits which was pronounced “based on a materially untrue assumption or mistake of fact that has worked to the extreme detriment of the Petitioner.” *Edwards v. State*, 112 Nev. 704, 707, 918 P.2d 321, 324 (1996).² However, modification is limited to situations where the sentence “is the result of the sentencing judge’s misapprehension of a Petitioner’s criminal record.” *Id.* In contrast, a motion to correct an illegal sentence challenges the legality of a sentence on its face. *Id.* at 708, 918 P.2d at 324. 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.” *Id.* (internal quotations and citations omitted).

These two narrow grounds are the only avenue the district court has to amend a judgment of conviction. Here, Petitioner has neither shown she is serving an illegal sentence nor the sentencing judge relied upon a materially untrue assumption about her criminal history when administering the sentence. Therefore, the Court must deny the motion.

IT IS ORDERED the *Motion to Amend Judgement* [sic] of *Conviction* is hereby **DENIED**.

DATED this 3 day of December, 2021.



EGAN K. WALKER
District Judge

² Motions to modify are exempted from the time constraints and procedural requirements which govern writs of habeas corpus. *Edwards*, 112 Nev. at 709, 918 P.2d at 325 (explaining motions to modify are separate criminal proceedings).

CERTIFICATE OF MAILING

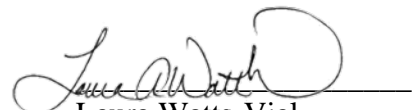
Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 3 day of December, 2021, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Denise M. Vejmola #1152120
Florence McClure Women's Correctional Facility
4370 Smiley, Rd.
Las Vegas, NV 89115

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 3 day of December, 2021, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

JENNIFER NOBLE, ESQ.


Laura Watts-Vial
Judicial Assistant

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2021-12-06 11:56:10.044.
REBECCA DRUCKMAN, ESQ. - Notification received on 2021-12-06 11:56:08.618.
DIV. OF PAROLE & PROBATION - Notification received on 2021-12-06 11:56:09.984.
ADAM CATE, ESQ. - Notification received on 2021-12-06 11:56:09.559.
CHRISTINE BRADY, ESQ. - Notification received on 2021-12-06 11:56:07.306.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR15-1461

Judge:

HONORABLE EGAN WALKER

Official File Stamp:

12-06-2021:11:51:51

Clerk Accepted:

12-06-2021:11:54:41

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. DENISE M. VEJMOLA (D7)

Document(s) Submitted:

Notice of Entry of Ord

Filed By:

Deputy Clerk NMason

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

ADAM D. CATE, ESQ. for STATE OF NEVADA
DIV. OF PAROLE & PROBATION

CHRISTINE BRADY, ESQ. for DENISE M.
VEJMOLA

REBECCA DRUCKMAN, ESQ. for STATE OF
NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

MAIZIE WHALEN PUSICH, ESQ. for DENISE M.
VEJMOLA

FILED

Denise Vejmola # 1152120
 FLORENCE MCCLURE WOMENS CORRECTIONAL CENTER
 4370 SMILEY ROAD
 LAS VEGAS, NV 89115

2021 DEC 27 PM 1:10

ALICIA L. LERUD
 CLERK OF THE COURT
 BY DEPUTY CLERK ASSIGNED TO
INMATE CORRESPONDENCE
 DEPUTY

In the 2nd Judicial District Court of the State of Nevada

In and for the County of Washoe county

Denise Vejmola)
 Appellant/Plaintiff/Petitioner

v.

Case No. CR15-1461

State of Nevada)
 Appellee/Respondent/Defendant

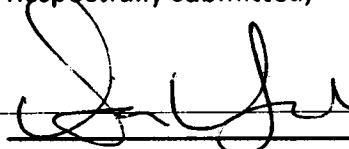
NOTICE OF APPEAL

Notice is hereby given that Denise Vejmola, Petitioner above named in the above captioned case, hereby appeals to the **SUPREME COURT FOR THE STATE OF NEVADA** from the final judgment for Order Denying Motion to Amend JOC entered on the 3 day of December, 2021.

This document does not contain the personal information of any person as defined by NRS 603A.40.

Dated this 20 day of December, 2021

Respectfully submitted,



Signature/ Pro Se Litigant

Petitioner

Denise Vejmola
 Print Name

Denise Vejmola # 1152120
 FLORENCE MCCLURE WOMENS CORRECTIONAL CENTER
 4370 SMILEY ROAD
 LAS VEGAS, NV 89115

FILED

2021 DEC 27 PM 1:10

Alicia L. Lerud
 CLERK OF COURT
 DEPUTY CLERK: ASSIGNED TO
 INMATE CORRESPONDENCE

In the 2nd Judicial District Court of the State of Nevada
 In and for the County of Washoe County

In the matter of:

Denise Vejmola)
 Appellant/Plaintiff/Petitioner

v.

Case No. CR 15-1461

State of Nevada)
 Appellee/Respondent/Defendant

DESIGNATION OF RECORD ON APPEAL

COMES NOW Appellant, Denise Vejmola, a pro se litigant and hereby designates the entire record of the above-captioned case to include all pleadings, transcripts, papers, and documents for the **NOTICE OF APPEAL IN THE SUPREME COURT FOR THE STATE OF NEVADA.**

Appellant also requests that the District Court include in this Designation of Record, as applicable, the following documents:

1. ORDER
2. NOTICE OF ENTRY OF ORDER
3. FINDINGS OF FACT AND LAW

This document does not contain the personal information of any person as defined by NRS 603A.40.

Dated this 20 day of December 2021

Respectfully submitted,

Denise Vejmola, Appellant
 Pro Se Litigant
Denise Vejmola
 Print Name

FILED

Denise Vejmola # 1152120
 FLORENCE MCCLURE WOMENS CORRECTIONAL CENTER
 4370 SMILEY ROAD
 LAS VEGAS, NV 89115

2021 DEC 27 PM 1:10

ALICIA L. LERUD
 CLERK OF THE COURT
 BY DEPUTY CLERK ASSIGNED TO
INMATE CORRESPONDENCE
 DEPUTY

In the 2nd Judicial District Court of the State of Nevada

In and for the County of Washoe County

Denise Vejmola)
 Appellant/Plaintiff/Petitioner

v.

Case No. CR15-1461

State of Nevada)
 Appellee/Respondent/Defendant

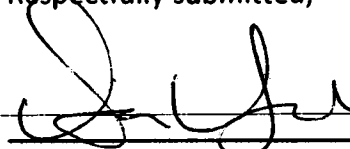
NOTICE OF APPEAL

Notice is hereby given that Denise Vejmola, Petitioner above named in the above captioned case, hereby appeals to the **SUPREME COURT FOR THE STATE OF NEVADA** from the final judgment for Order Denying Motion to Amend JOC entered on the 3 day of December, 2021.

This document does not contain the personal information of any person as defined by NRS 603A.40.

Dated this 20 day of December, 2021

Respectfully submitted,



Signature/ Pro Se Litigant

Petitioner

Denise Vejmola
 Print Name

Denise Vejmola # 1152120
 FLORENCE MCCLURE WOMENS CORRECTIONAL CENTER
 4370 SMILEY ROAD
 LAS VEGAS, NV 89115

FILED

2021 DEC 27 PM 1:10

Alicia L. Lerud
 CLERK OF COURT
 DEPUTY CLERK: ASSIGNED TO
 INMATE CORRESPONDENCE

In the 2nd Judicial District Court of the State of Nevada
 In and for the County of Washoe County

In the matter of:

Denise Vejmola)
 Appellant/Plaintiff/Petitioner

v.

Case No. CR 15-1461

State of Nevada)
 Appellee/Respondent/Defendant

DESIGNATION OF RECORD ON APPEAL

COMES NOW Appellant, Denise Vejmola, a pro se litigant and hereby designates the entire record of the above-captioned case to include all pleadings, transcripts, papers, and documents for the **NOTICE OF APPEAL IN THE SUPREME COURT FOR THE STATE OF NEVADA.**

Appellant also requests that the District Court include in this Designation of Record, as applicable, the following documents:

1. ORDER
2. NOTICE OF ENTRY OF ORDER
3. FINDINGS OF FACT AND LAW

This document does not contain the personal information of any person as defined by NRS 603A.40.

Dated this 20 day of December 2021

Respectfully submitted,

Denise Vejmola, Appellant
 Pro Se Litigant
Denise Vejmola
 Print Name

Code: 3860

Name: Denise Vejmda #115a120Address: 4370 Smiley RoadLas Vegas NV 89115

Telephone: _____

Email: _____

Self-Represented Litigant

FILED

DEC 28 AM 10:39

ALICIA L. HODD
CLERK OF DISTRICT COURT
BY [Signature]
DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

Denise Vejmda

Plaintiff / Petitioner / Joint Petitioner,

Case No. CR 15-1461Dept. No. 7

vs.

State of Nevada

Defendant / Respondent / Joint Petitioner.

REQUEST FOR SUBMISSION

I request that the Application and Declaration to Waive Fees and Costs filed on

12.20.21

(Date the form was filed)

be submitted to the Court for decision.

This document does not contain the personal information of any person as defined by
NRS 603A.040.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is
true and correct.

Date: 12.20.21Your Signature: [Signature]Print Your Name: Denise Vejmda

Code 1310

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

DENISE MICHELLE VEJMOLA,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent.

Case No. CR15-1461

Dept. No. 7

CASE APPEAL STATEMENT

This case appeal statement is filed pursuant to NRAP 3(f).

1. Appellant is Denise Vejmola.
2. This appeal is from an order entered by the Honorable Judge Egan Walker.
3. Appellant is representing is in Proper Person on appeal. The Appellant's address is:
Denise Vejmola #1152120
Florence McClure Womens Correctional Center
4370 Smiley Road
Las Vegas, NV 89115
4. Respondent is the State of Nevada. Respondent is represented by the Washoe County District Attorney's Office:
Jennifer P. Noble, Esq., SBN: 9446
P.O. Box 11130
Reno, Nevada 89520
5. Respondent's attorney is not licensed to practice law in Nevada: NA
6. Appellant is represented by appointed counsel in District Court.

7. Appellant is not represented by appointed counsel on appeal.
8. Appellant was not granted leave to proceed in forma pauperis in the District Court.
9. Proceeding commenced by the filing of an Information filed on October 9th, 2015.
10. This is a criminal proceeding and the Appellant is appealing the Order Denying
Motion to Amend Judgment of Conviction filed on December 3rd, 2021
11. The case has been the subject of a previous appeal to the Supreme Court.
Supreme Court No.: 69529
12. This case does not involve child custody or visitation.
13. This is not a civil case involving the possibility of a settlement.

Dated this 29th day of December, 2021.

Alicia L. Lerud
Clerk of the Court
By: /s/ azamora
Amanda Zamora
Deputy Clerk

Code 1350

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

DENISE MICHELLE VEJMOLA,

Petitioner,

vs.

Case No. CR15-1461

Dept. No. 7

THE STATE OF NEVADA,

Respondent.

_____ /

CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 29TH day of December, 2021, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

Dated this 29th day of December, 2021.

Alicia L. Lerud
Clerk of the Court
By /s/azamora
Amanda Zamora
Deputy Clerk

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2021-12-29 11:42:58.594.
REBECCA DRUCKMAN, ESQ. - Notification received on 2021-12-29 11:42:58.207.
DIV. OF PAROLE & PROBATION - Notification received on 2021-12-29 11:42:58.273.
ADAM CATE, ESQ. - Notification received on 2021-12-29 11:42:58.243.
CHRISTINE BRADY, ESQ. - Notification received on 2021-12-29 11:42:57.354.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR15-1461

Judge:

HONORABLE EGAN WALKER

Official File Stamp:

12-29-2021:11:41:38

Clerk Accepted:

12-29-2021:11:42:22

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. DENISE M. VEJMOLA (D7)

Document(s) Submitted:

Case Appeal Statement
Certificate of Clerk

Filed By:

Deputy Clerk AZamora

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for DENISE M.
VEJMOLA

REBECCA DRUCKMAN, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

ADAM D. CATE, ESQ. for STATE OF NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

MAIZIE WHALEN PUSICH, ESQ. for DENISE M.
VEJMOLA

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

DENISE MICHELLE VEJMOLA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 84021
District Court Case No. CR151461

RECEIPT FOR DOCUMENTS

TO: Denise Michelle Vejmola
Washoe County District Attorney \ Jennifer P. Noble
Alicia L. Lerud, Washoe District Court Clerk /

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

01/04/2022 Appeal Filing Fee waived. Criminal. (SC)

01/04/2022 Filed Notice of Appeal/Proper Person. Appeal docketed in the
Supreme Court this day. (SC)

DATE: January 04, 2022

Elizabeth A. Brown, Clerk of Court
lh

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-01-07 15:56:07.789.
REBECCA DRUCKMAN, ESQ. - Notification received on 2022-01-07 15:56:07.709.
DIV. OF PAROLE & PROBATION - Notification received on 2022-01-07 15:56:07.762.
ADAM CATE, ESQ. - Notification received on 2022-01-07 15:56:07.736.
CHRISTINE BRADY, ESQ. - Notification received on 2022-01-07 15:56:07.682.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR15-1461

Judge:

HONORABLE EGAN WALKER

Official File Stamp:

01-07-2022:15:55:07

Clerk Accepted:

01-07-2022:15:55:39

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. DENISE M. VEJMOLA (D7)

Document(s) Submitted:

Supreme Court Receipt for Doc

Filed By:

Deputy Clerk YViloria

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for DENISE M.
VEJMOLA

REBECCA DRUCKMAN, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

ADAM D. CATE, ESQ. for STATE OF NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

MAIZIE WHALEN PUSICH, ESQ. for DENISE M.
VEJMOLA

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

DENISE VEJMOLA,

Petitioner,

Case No.: CR15-1461

vs.

Dept. No.: 7

THE STATE OF NEVADA,

Respondent.
_____/**ORDER GRANTING MOTION FOR WAIVER OF FEES AND COSTS**

Presently before the Court is the *Application and Declaration to Waive Fees and Costs* (“the Motion”). Petitioner DENISE VEJMOLA (“Petitioner”) filed the Motion on December 28, 2021, and contemporaneously submitted the Motion for the Court’s consideration. Petitioner is appealing a ruling from this Court denying a Motion to Amend the Judgment of Conviction. *See Order Denying Motion to Amend Judgment of Conviction* (Dec. 3, 2021).

Having fully reviewed the pleadings and all related documents, the Court finds and orders as follows:

NRS 12.015(1)(a) provides in part:

Any person who desires to prosecute or defend a civil action may:

- (a) File an affidavit with the court setting forth with particularity facts concerning the person’s income, property and other resources which establish that the person is unable to prosecute or defend the action because the person is unable to pay the costs of so doing

The Court will grant the Motion because the Court is satisfied the Petitioner is unable to pay the costs associated with pursuing this action.

IT IS ORDERED the *Application and Declaration to Waive Fees and Costs* is hereby **GRANTED**. The Clerk of the Court shall allow the Petitioner to commence this action without incurring any costs and to file any writ, process, pleading or paper without charge. The Sheriff shall make personal service of any necessary pleadings or papers for Petitioner in this action without charge.

DATED this 18 day of January, 2022.



EGAN K. WALKER
District Judge

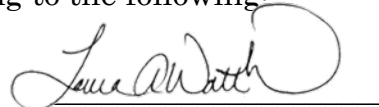
CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 18 day of January 2022, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

DENISE VEJMOLA #1152120
4370 Smiley Road
Las Vegas, NV 89115

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 18 day of January 2022, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

A handwritten signature in cursive script, appearing to read "Laura Watts-Vial", is written over a horizontal line.

Laura Watts-Vial
Judicial Assistant

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-01-18 15:33:45.331.
REBECCA DRUCKMAN, ESQ. - Notification received on 2022-01-18 15:33:44.971.
DIV. OF PAROLE & PROBATION - Notification received on 2022-01-18 15:33:45.024.
ADAM CATE, ESQ. - Notification received on 2022-01-18 15:33:44.997.
CHRISTINE BRADY, ESQ. - Notification received on 2022-01-18 15:33:44.941.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR15-1461

Judge:

HONORABLE EGAN WALKER

Official File Stamp:

01-18-2022:15:30:44

Clerk Accepted:

01-18-2022:15:33:03

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. DENISE M. VEJMOLA (D7)

Document(s) Submitted:

Ord Waiving Fees and Costs

Filed By:

Judicial Asst. LWatts-Vial

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for DENISE M.
VEJMOLA

REBECCA DRUCKMAN, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

ADAM D. CATE, ESQ. for STATE OF NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

MAIZIE WHALEN PUSICH, ESQ. for DENISE M.
VEJMOLA

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENISE MICHELLE VEJMOLA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84021

FILED

JAN 21 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

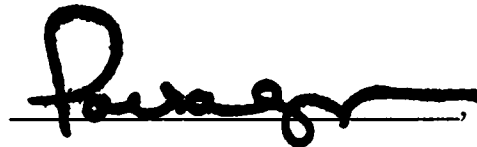
*ORDER DIRECTING TRANSMISSION OF RECORD
AND REGARDING BRIEFING*

This court has concluded that its review of the complete record is warranted. *See* NRAP 10(a)(1). Accordingly, the clerk of the district court shall have 30 days from the date of this order to transmit to the clerk of this court a certified copy of the complete trial court record of this appeal. *See* NRAP 11(a)(2). The record shall include copies of documentary exhibits submitted in the district court proceedings, but shall not include any physical, non-documentary exhibits or the original documentary exhibits. The record shall also include any presentence investigation reports submitted in a sealed envelope identifying the contents and marked confidential. *See* NRS 176.156(5).

Within 120 days, appellant may file either (1) a brief that complies with the requirements in NRAP 28(a) and NRAP 32; or (2) the "Informal Brief Form for Pro Se Parties" provided by the supreme court clerk. NRAP 31(a)(1). If no brief is submitted, the appeal may be decided on the record on appeal. NRAP 34(g). Respondent need not file a response to any brief filed by appellant, unless ordered to do so by this court. NRAP

46A(c). The court generally will not grant relief without providing an opportunity to file a response. *Id.*

It is so ORDERED.

 C.J.

cc: Denise Michelle Vejmola
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-01-25 15:18:55.343.
REBECCA DRUCKMAN, ESQ. - Notification received on 2022-01-25 15:18:55.254.
DIV. OF PAROLE & PROBATION - Notification received on 2022-01-25 15:18:55.316.
ADAM CATE, ESQ. - Notification received on 2022-01-25 15:18:55.288.
CHRISTINE BRADY, ESQ. - Notification received on 2022-01-25 15:18:55.226.

******* IMPORTANT NOTICE - READ THIS INFORMATION *******
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR15-1461

Judge:

HONORABLE EGAN WALKER

Official File Stamp:

01-25-2022:15:17:41

Clerk Accepted:

01-25-2022:15:18:19

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. DENISE M. VEJMOLA (D7)

Document(s) Submitted:

Supreme Ct Order Directing

Filed By:

Deputy Clerk YViloria

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

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If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

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