

FILED

DEC 20 2021

DISTRICT COURT
CLARK COUNTY, NEVADA

Elizabeth A. Brown
CLERK OF COURT

Electronically Filed

Jan 10 2022 09:39 a.m.

Elizabeth A. Brown

Clerk of Supreme Court

THE STATE OF NEVADA
PLAINTIFF

CASE NO. A-21-84046
DOCKET NO. 1

VS.

JOSEPH A HENDERSON
DEFENDENT

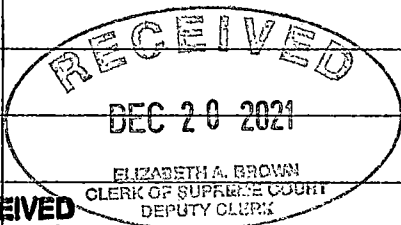
NOTICE OF APPEAL

COME NOW, THE DEFENDENT, JOSEPH A HENDERSON, IN THIS INSTANT NOTICE OF APPEAL OF THE ORDER OF CHIEF JUDGE DISMISSING EUDC RULE 2.20 (B) SUSPENDING DEFENDENTS REQUEST FOR AN EVIDENTIARY HEARING.

DATED THIS 13TH DAY OF DECEMBER 2021
RESPECTFULLY SUBMITTED

BY: *Joseph Henderson*
JOSEPH A HENDERSON
P.O. BOX 1989
ELY NEVADA

89301



RECEIVED
APPEALS

JAN - 5 2022

CLERK OF THE COURT

pg 1

POINTS AND AUTHORITIES

PURSUANT TO: HAINS V. KERNER

404 U.S. 519 92 S.Ct. 594 30 LEd 2d 652

1972 U.S. LEXUS 99. "PRO SE COMPLAINTS WHICH WE HOLD TO LESS STRINGENT STANDARDS THAN FORMAL PLEADINGS DRAFTED BY LAWYERS"

ACCORDING TO N.R.S 174.165 RELIEF FROM PRESIDENTIAL JOINDER. 1,2

[SEVERANCE REQUIRED]

TO ENSURE FAIRNESS IN FUTURE CASES WHERE THE STATE SEEKS CONVICTIONS ON MULTIPLE COUNTS, INCLUDING A COUNT OF POSSESSION OF A FIREARM BY AN EX-FELON UNDER NRS 202.360 SEVERANCE OF THE EX-FELON IN POSSESSION OF A WEAPON CHARGE WILL BE REQUIRED. BROWN V. STATE 114 NEV. 118, 967 P. 2ND 1126 114 NEV. ADV REP. 121 1998 NEV.

PURSUANT TO THE 14TH AMENDMENT DUE PROCESS AND EQUAL PROTECTION. THE STATE OF NEVADA VIOLATED THESE CLAUSES BY THESE SET OF FACTS: "THE STATE HID AWAY AHAD CHAZIZ CASE NO: C229335 IN DEPT 21 WHO WAS SUPPOSINGLY A CO-DEFENDENT, WITH HELD INFORMATION THAT WOULD OF RELIEVED - DEFENDENT OF ALL CHARGES..."

ACCORDING TO SEVERANCE AND JOINDER 174.165. TO CONSTITUTE GOOD CAUSE FOR A SEPARATE TRIAL IN ANY CASE THE EVIDENCE

PROPOSED TO BE INTRODUCED AS TO ONE MUST BE INADMISSIBLE AS TO THE OTHER, AND OF SUCH A NATURE AS TO AFFORD REASONABLE GROUND FOR THE BELIEF THAT THE OTHER WILL BE PREJUDICE BY A JOINT TRIAL; THE MERE FACT THAT EVIDENCE ADMISSIBLE AGAINST ONE IS NOT MATERIAL AS TO THE OTHER IS NOT, IN ITSELF DEEMED SUFFICIENT GROUND FOR A SEPARATE TRIAL, STATE V LEWIS 50 NEV 212, 255 P. 1002 1927 NEV LEXIS 15 (NEV 1927) (DECISION UNDER FORMER SIMILAR STATUTE.)

IT CLEARLY PREJUDICE THE DEFENDENT WHEN THE STATE PROSECUTOR HID AWAY MATERIAL EVIDENCE THAT ESTABLISHED THE DEFENDENTS INNOCENSE. [I]F THE STATE WOULD HAVE BEEN FORTHRIGHT ABOUT THIS SO CALLED CO-DEFENDENT, WHO WAS PICKED OUT BY THE VICTIMS IN THIS CASE, AND NEVER OFFERED ANY - RELATIONSHIP TO THE DEFENDENT....

"CONCLUSION"

BRADY V MARYLAND: "THE DEFENDENTS CASE THE SAME AS BRADY..." THE CHIEF JUDGE DO NOT WANT TO HAVE A EVIDENTIARY HEARING ON THIS CRUCIAL EVIDENCE AND THE FACTS THAT AHAD CHAZIZ CASE NO. C 229335 AND THE DEFENDENT JOSEPH ANDERSON NEVER EXPERIENCED

SEVERANCE AND JOINER PURSUANT

TO 174.165.

THIS IS THE REASON WHY THE CHIEF
JUDGE DON'T WANT TO ALLOW THE DEFENDENT
A EVIDENTIARY HEARING. THE DEFENDENT'S
REQUEST IS COLORFUL, FACTUAL AND
CONSTITUTIONAL "SUPPORTED BY
ESTABLISHED NEVADA REVISED STATUTE..."

CERTIFICATE OF SERVICE

PURSUANT TO NRCP RULE 5 (B) I HEREBY
CERTIFY THAT I AM THE PETITIONER / DEFEND
ENT NAMED HEREIN AND THAT ON THIS 13TH OF
DEC 2021 I MAILED A TRUE AND CORRECT
COPY OF THIS FOREGOING MOTION TO APPEAL
TO THE FOLLOWING.

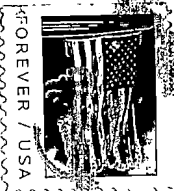
DISTRICT COURT 8TH
200 LEWIS AVE
LV NV 89301

NEV SUPREME COURT
210. S CARSON ST
CARSON CITY N.V.
89701

By Joseph Henderson
Joseph Henderson 67224
P.O. BOX 1989
GIT NEVADA 89301

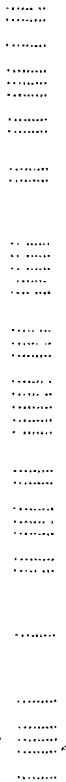
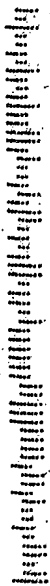
MR HENDERSON Joseph * 62224
P.O. BOX 1989
ELY NEVADA
89301

LAS VEGAS NV 890
15 DEC 2021 PM 4 L

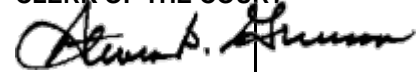


TO: SUPREME COURT OF NEVADA
OFFICE OF THE CLERK
201 S. CARSON STR SUITE 201
CARSON CITY NEVADA
89101

89701-878021



ELY STATE PRISON
DEC 14 2021



1 ASTA

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3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 JOSEPH A. HENDERSON,

11 Plaintiff(s),

12 vs.

13 WARDEN WILLIAM GUTTERE,

14 Defendant(s),
15

Case No: A-21-840121-W

Dept No: II

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Joseph Henderson

20 2. Judge: Carli Kierny

21 3. Appellant(s): Joseph Henderson

22 Counsel:

23 Joseph Henderson #67224
24 P.O. Box 1989
Ely, NV 89301

25 4. Respondent (s): Warden William Guttere

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89155-2212

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

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

5 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

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

7 8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
8 ***Expires 1 year from date filed*
9 Appellant Filed Application to Proceed in Forma Pauperis: No
10 Date Application(s) filed: N/A

11 9. Date Commenced in District Court: August 25, 2021

12 10. Brief Description of the Nature of the Action: Civil Writ

13 Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus

14 11. Previous Appeal: No

15 Supreme Court Docket Number(s): N/A

16 12. Child Custody or Visitation: N/A

17 13. Possibility of Settlement: Unknown

18 Dated This 5 day of January 2022.

19 Steven D. Grierson, Clerk of the Court

20
21 /s/ Heather Ungermann

22 Heather Ungermann, Deputy Clerk
23 200 Lewis Ave
24 PO Box 551601
25 Las Vegas, Nevada 89155-1601
26 (702) 671-0512

27 cc: Joseph Henderson
28

CASE SUMMARY

CASE NO. A-21-840121-W

Joseph Henderson, Plaintiff(s)
vs.
Warden William Guttere, Defendant(s)

§
§
§
§
§

Location: **Department 2**
 Judicial Officer: **Kierny, Carli**
 Filed on: **08/25/2021**
 Cross-Reference Case Number: **A840121**

CASE INFORMATION

Related Cases

05C212968 (Writ Related Case)

Case Type: **Writ of Habeas Corpus**

Case Status: **08/25/2021 Open**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-21-840121-W
 Court Department 2
 Date Assigned 08/25/2021
 Judicial Officer Kierny, Carli

PARTY INFORMATION

Plaintiff

Henderson, Joseph A

Lead Attorneys

Pro Se

Defendant

Warden William Guttere


Zadrowski, Bernard B.
Retained
 7024555859(W)


DATE


EVENTS & ORDERS OF THE COURT


INDEX


EVENTS


08/25/2021  Inmate Filed - Petition for Writ of Habeas Corpus
 Party: Plaintiff Henderson, Joseph A
[1] Post Conviction

08/25/2021  Notice of Motion
 Filed By: Plaintiff Henderson, Joseph A
[2] Notice of Motion

08/25/2021  Memorandum
 Filed By: Plaintiff Henderson, Joseph A
[3] Memorandum Support of Successive Writ of Habeas Corpus Petition

08/25/2021  Motion
 Filed By: Plaintiff Henderson, Joseph A
[4] Ex Parte Motion for Order to Transport Prisoner

08/25/2021  Affidavit
 Filed By: Plaintiff Henderson, Joseph A
[5] Affidavit/Declaration

10/11/2021  Order for Petition for Writ of Habeas Corpus

CASE SUMMARY
CASE NO. A-21-840121-W

[6] Order for Petition for Writ of Habeas Corpus

10/11/2021



Clerk's Notice of Hearing
[7] Notice of Hearing

10/11/2021



Motion to Amend
Filed By: Plaintiff Henderson, Joseph A
[8] Motion to Amend Petition: NRS 34.724: Exhibit "A" Added Only

10/11/2021



Request
Filed by: Plaintiff Henderson, Joseph A
[9] Request for Evidentiary Hearing

10/11/2021



Notice of Motion
Filed By: Plaintiff Henderson, Joseph A
[10] Notice of Motion

12/03/2021



Inmate Filed - Petition for Writ of Habeas Corpus
[11] Second Amended Petition Successive Newly Discovered Evidence

12/03/2021



Miscellaneous Filing
Filed by: Plaintiff Henderson, Joseph A
[12] Successive to Second Amended Petition for Writ of Habeas Corpus.

12/07/2021



Notice of Motion
Filed By: Plaintiff Henderson, Joseph A
[13] Notice of Motion

12/20/2021



Notice of Appeal
[16] Notice of Appeal

12/23/2021



Request
Filed by: Plaintiff Henderson, Joseph A
[14] Request for Submission of Pleading

12/23/2021



Motion
Filed By: Plaintiff Henderson, Joseph A
[14] Motion for Extension of Time

01/05/2022



Case Appeal Statement
Filed By: Plaintiff Henderson, Joseph A
Case Appeal Statement

HEARINGS

12/16/2021

Motion (11:00 AM) (Judicial Officer: Kierny, Carli)
Ex Parte Motion for Order to Transport Prisoner

12/16/2021

Petition for Writ of Habeas Corpus (12:00 PM) (Judicial Officer: Kierny, Carli)

12/16/2021



All Pending Motions (12:00 PM) (Judicial Officer: Kierny, Carli)
Matter Heard;
Journal Entry Details:
EX PARTE MOTION FOR ORDER TO TRANSPORT PRISONER...PETITION FOR WRIT OF HABEAS CORPUS As to the Motion to Transport, COURT ORDERED, MOTION DENIED as there was no reason or date for transport given. Court noted there was no opposition to the

CASE SUMMARY

CASE No. A-21-840121-W

Writ filed by the State. Ms. Zadrowski requested time to respond. COURT ORDERED, MATTER CONTINUED. CONTINUED TO: 2/15/22 12:00 PM CLERK'S NOTE: The above minute order has been distributed to the Deft. via USPS. jmc 12/22/21;

DISTRICT COURT CIVIL COVER SHEET

A-21-840121-W

County, Nevada

Dept. 2

Case No. _____

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): Joseph Henderson	Defendant(s) (name/address/phone): Warden William Guttere
Attorney (name/address/phone):	Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input checked="" type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

August 25, 2021

Date

PREPARED BY CLERK

Signature of initiating party or representative

See other side for family-related case filings.

A-21-840121-W Joseph Henderson, Plaintiff(s)
vs.
Warden William Guttere, Defendant(s)

December 16, 2021 12:00 PM All Pending Motions

HEARD BY: Kierny, Carli COURTROOM: RJC Courtroom 16B

COURT CLERK: Chambers, Jill

RECORDER: Kirkpatrick, Jessica

REPORTER:

PARTIES PRESENT:

Bernard B. Zadrowski Attorney for Defendant

JOURNAL ENTRIES

EX PARTE MOTION FOR ORDER TO TRANSPORT PRISONER...PETITION FOR WRIT OF HABEAS CORPUS

As to the Motion to Transport, COURT ORDERED, MOTION DENIED as there was no reason or date for transport given.

Court noted there was no opposition to the Writ filed by the State. Ms. Zadrowski requested time to respond. COURT ORDERED, MATTER CONTINUED.

CONTINUED TO: 2/15/22 12:00 PM

CLERK'S NOTE: The above minute order has been distributed to the Deft. via USPS. jmc
12/22/21



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

JOSEPH HENDERSON #67224
P.O. BOX 1989
ELY, NV 89301

DATE: January 5, 2022
CASE: A-21-840121-W

RE CASE: JOSEPH A. HENDERSON vs. WARDEN WILLIAM GUTTERE

NOTICE OF APPEAL FILED: December 20, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

- ☐ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☐ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☒ Order
- ☒ Notice of Entry of Order

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

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

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

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; DISTRICT COURT MINUTES; NOTICE OF
DEFICIENCY

JOSEPH A. HENDERSON,

Plaintiff(s),

vs.

WARDEN WILLIAM GUTTERE,

Defendant(s),

Case No: A-21-840121-W

Dept No: II

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 5 day of January 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

