

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMMIE NUNN,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Electronically Filed
Nov 15 2021 02:36 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No: C-18-336184-1
Related Case A-21-835110-W
Docket No: 83660

RECORD ON APPEAL VOLUME 1

ATTORNEY FOR APPELLANT
SAMMIE NUNN # 1226304,
PROPER PERSON
P.O. BOX 509
PIOCHE, NV 89043

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

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DOCUMENT,
NUMBERED PAGE(S)
1 - 12
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U.S. MAIL

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

NOV 14 2018

BY 
KIMBERLY ESTALA, DEPUTY

1 IND
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MEGAN THOMSON
6 Chief Deputy District Attorney
7 Nevada Bar #011002
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

C-18-336184-1
IND
Indictment
4796298



9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 SAMMIE NUNN,
13 #2751864

14 Defendant.

CASE NO: C-18-336184-1

DEPT NO: ~~XXX~~ IX

INDICTMENT

15 STATE OF NEVADA }
16 COUNTY OF CLARK } ss.

17 The Defendant above named, SAMMIE NUNN, accused by the Clark County Grand
18 Jury of the crime(s) of BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
19 SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226) AND
20 BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.481 -
21 NOC 50223) committed at and within the County of Clark, State of Nevada, on or between
22 the May 27th, 2018 and June 3, 2018, as follows:

23 COUNT 1 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
24 SUBSTANTIAL BODILY HARM

25 did willfully, unlawfully, and feloniously use force or violence upon the person of
26 another, to wit: PRINCE ALIDU, with use of a deadly weapon, to wit: a 12 inch pair of pliers,
27 by striking the said PRINCE ALIDU, resulting in substantial bodily harm to PRINCE ALIDU.

28 //

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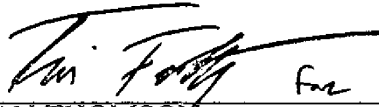
1 COUNT 2 - BATTERY WITH USE OF A DEADLY WEAPON

2 did willfully, unlawfully, and feloniously use force or violence upon the person of
3 another, to wit: PRINCE ALIDU, with use of a deadly weapon, to wit: a fire arm, by hitting
4 him in the head with said firearm.

5 DATED this 13th day of November, 2018.

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

9 BY


10 MEGAN THOMSON
11 Chief Deputy District Attorney
12 Nevada Bar #011002

13
14 ENDORSEMENT: A True Bill

15
16 
17 Foreperson, Clark County Grand Jury

1 Names of Witnesses and testifying before the Grand Jury:
2 ALIDU, PRINCE – c/o CCDA 200 LEWIS AVE, LAS VEGAS, NV
3 HAWKINS, NICOLETTE – c/o CCDA 200 LEWIS AVE, LAS VEGAS, NV
4 VESPERAS, TY – c/o CCDA 200 LEWIS AVE, LAS VEGAS, NV
5
6 Additional Witnesses known to the District Attorney at time of filing the Indictment:
7 CUSTODIAN OF RECORDS - CCDC
8 CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS
9 CUSTODIAN OF RECORDS - LVMPD RECORDS
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18AGJ145X/18F09747X/ed-GJ
LVMPD EV# 1805270823
(TK2)

WARR

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

NOV 14 2018

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

SAMMIE NUNN
ID#2751864

Defendant.

BY, KIMBERLY ESTALA, DEPUTY

CASE NO: C-18-336184-1

DEPT NO: ~~XXX~~ IX

WARRANT FOR ARREST

C-18-336184-1
WARR
Warrant
4796299



INDICTMENT WARRANT

THE STATE OF NEVADA,

To: Any Sheriff, Constable, Marshall, Policeman, or Peace Officer in This State:

An Indictment having been found on the 14th day of November, 2018, in the above entitled Court, charging Defendant SAMMIE NUNN, above named, with the crime(s) of: (1) CT - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226) and (1) CT - BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.481 - NOC 50223).

YOU ARE, THEREFORE, COMMANDED forthwith to arrest and bring said Defendant before the Court to answer the Indictment. If the Court is not in session, you are to deliver Defendant into the custody of the Sheriff of Clark County, or if requested by Defendant, take Defendant before any Magistrate in the County where arrested that bail may be given to answer to the Indictment. Defendant shall be admitted to bail in the sum of \$ No bail - Set in court

I HEREBY AUTHORIZE THE SERVICE OF THE WITHIN WARRANT BY TELETYPE, PURSUANT TO NRS 171.148. The Warrant may be served at any hour day or night.

GIVEN under my hand this 14th day of November, 2018.

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

BY

Megan Thomson
MEGAN THOMSON
Chief Deputy District Attorney
Nevada Bar #11002

James P. Ogata
DISTRICT JUDGE
LINDA MARIE BEE
BAIL \$ No bail Set in court

DA# 18AGJ149A /18F01554A /zm
LVMPD EV#1805270823
08/10/1989;BMA;543-29-4197;
(TK2)

RET.
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MEGAN THOMSON
Chief Deputy District Attorney
Nevada Bar #11002
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

SAMMIE NUNN,
ID#2751864

Defendant.

CASE NO: C-18-336184-1
DEPT NO: XXX

INDICTMENT WARRANT RETURN

An Indictment having heretofore been found on the 14th day of November, 2018, in the above entitled Court, charging Defendant SAMMIE NUNN, above named, with the crime(s) of: (1) CT - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226) and (1) CT - BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.481 - NOC 50223), and upon finding the said Indictment, the court issued a warrant for the arrest of said Defendant.

I hereby certify that I received a certified copy of the Indictment Warrant and served the same by arresting the within Defendant on the ____ day of _____ 2018.

JOSEPH LOMBARDO
Sheriff, Clark County, Nevada

BY:

Deputy

THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
18 - 20
WILL FOLLOW VIA
U.S. MAIL

RET-
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MEGAN THOMSON
Chief Deputy District Attorney
Nevada Bar #11002
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

Electronically Filed
11/15/2018

Heather S. Hemin
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

SAMMIE NUNN,
ID#2751864

CASE NO: C-18-336184-1
DEPT NO: XXX

Defendant.

INDICTMENT WARRANT RETURN

An Indictment having heretofore been found on the 14th day of November, 2018, in the above entitled Court, charging Defendant SAMMIE NUNN, above named, with the crime(s) of: (1) CT - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226) and (1) CT - BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.481 - NOC 50223), and upon finding the said Indictment, the court issued a warrant for the arrest of said Defendant.

I hereby certify that I received a certified copy of the Indictment Warrant and served the same by arresting the within Defendant on the 14th day of NOVEMBER 2018.

JOSEPH LOMBARDO
Sheriff, Clark County, Nevada

BY:

[Signature]
Deputy

11-14-18 16:42 DSDRSU

WARR

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

NOV 14 2018

THE STATE OF NEVADA,
Plaintiff,

BY,
KIMBERLY ESTALA, DEPUTY

-vs-

CASE NO: C-18-336184-1

DEPT NO: ~~XXX-IX~~

SAMMIE NUNN
ID#2751864

Defendant.

WARRANT FOR ARREST

INDICTMENT WARRANT

THE STATE OF NEVADA,

To: Any Sheriff, Constable, Marshall, Policeman, or Peace Officer in This State:

An Indictment having been found on the 14th day of November, 2018, in the above entitled Court, charging Defendant SAMMIE NUNN, above named, with the crime(s) of: (1) CT - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226) and (1) CT - BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.481 - NOC 50223).


YOU ARE, THEREFORE, COMMANDED forthwith to arrest and bring said Defendant before the Court to answer the Indictment. If the Court is not in session, you are to deliver Defendant into the custody of the Sheriff of Clark County, or if requested by Defendant, take Defendant before any Magistrate in the County where arrested that bail may be given to answer to the Indictment. Defendant shall be admitted to bail in the sum of \$ No bail - Set in court


I HEREBY AUTHORIZE THE SERVICE OF THE WITHIN WARRANT BY TELETYPE, PURSUANT TO NRS 171.148. The Warrant may be served at any hour day or night.

GIVEN under my hand this 14th day of November, 2018.

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

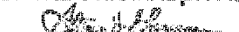
BY


MEGAN THOMSON
Chief Deputy District Attorney
Nevada Bar #11002


DISTRICT JUDGE
~~LINDA MARIE BELL~~
BAIL \$ No bail Set in court

DA# 18AGJ149A /18F01554A /zm
LVMPD EV#1805270823
08/10/1989;BMA;543-29-4197;
(TK2)

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

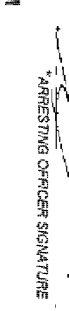

CLERK OF THE COURT

*ARREST DATE:	11/14/2018	*ARREST TIME:	1705
*EVENT#:	1805270823		

CO-DEF: N

☒ REBOOK
 ☐ ABSENTIA
 ☐ FORM 6
 ☐ NDOC
 ☐ EXT TO LAS VEGAS
 ☐ LVC
 ☐ HND
 ☐ NLV
 ☐ COURTESY HOLD
 ☐ DETAINER

*INTAKE NAME (AKA, ALIAS, ETC.)		LAST		FIRST		MIDDLE		TRUE NAME		LAST		FIRST		MIDDLE																																													
NUNN				SAMMIE				NUNN				SAMMIE																																															
*HOME ADDRESS (STREET # AND STREET NAME)										BLDG./APT.#		CITY		STATE		ZIP		*PLACE OF BIRTH																																									
3600 SWENSON										411		LAS VEGAS		NV		89119		PORTLAND, OREGON																																									
*DATE OF BIRTH		*RACE		HISP ETHN		*SEX		*HEIGHT		*WEIGHT		*HAIR		*EYES		*SOCIAL SECURITY #		*CITIZENSHIP		*ALIEN REGISTRATION #																																							
[REDACTED]		B				M		6'00"		170		BLK		BRO		[REDACTED]		USA																																									
*LOCATION OF CRIME (STREET ADDRESS, CITY, STATE, ZIP)										CC		LV		*LOCATION OF ARREST (STREET ADDRESS, CITY, STATE, ZIP)																																													
WARRANT LAS VEGAS, NV 89101														CCDC LAS VEGAS, NV 89101 > NT-5A-08-L																																													
*ARR **		*COURT JURIS		*WARRANT # / CASE #		*# CNTS		*NOC CODE		*M GM F		*CHARGE LITERAL		*ORD / NRS		*BAL		*EVENT# / NIC#																																									
GJI		DC		C-18-338184-1		1		50226		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		BATTERY W/USE OF DW, R/SBH		200.481.2E2		0		1805270823																																									
GJI		DC		C-18-338184-1		1		50223		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		BATTERY W/DW		200.481.1A		0		47																																									
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TAPP 11-20-2018 @900AM DC IX																																																											
OTHER JURISDICTION:																																																											
PC -- PROBABLE CAUSE										BS -- BONDSMAN SURRENDER										BW -- BENCH WARRANT										AW -- ARREST WARRANT										RM -- REMAND										GJI -- GRAND JURY INDICTMENT									

TIME STAMP AT BOOKING 11/14/2038 5:06 PM		TIME STAMP AT RELEASING	
ARRESTING OFFICER SIGNATURE 		P# <u>5748</u> AGENCY: <u>LUMPD</u>	
PRINTED NAME <u>D. NELSON</u>		OT	
TRANSPORTING OFFICER SIGNATURE		SECTION/BEAT OF ARREST	
PRINTED NAME		OTHER	
P#		AREA CMD	
EMERGENCY CONTACT VICTORIA BOZEMAN		CUSTODY RELEASED TO	
RELATIONSHIP MOTHER		NAME	
PHONE NUMBER 5102891209		POSITION	
EMAIL ADDRESS		AGENCY	
P#		JUDGE:	
P#		P#	

FIRST APP DATE:		COURT: <input type="checkbox"/> JUSTICE	
TIME:		<input type="checkbox"/> MUNICIPAL <input type="checkbox"/> JUVENILE	
STD BAL <input type="checkbox"/> O.R. REL		<input type="checkbox"/> PC <input type="checkbox"/> I.A.D.	

P#		REL REV P#	
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EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)
)
Plaintiff,)
)
vs.) GJ No. 18AGJ145X
) DC No. C336184
SAMMIE NUNN,)
)
Defendant.)

Taken at Las Vegas, Nevada
Tuesday, November 6, 2018
11:05 a.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 1

Reported by: Danette L. Antonacci, C.C.R. No. 222

12:00 1 GRAND JURORS PRESENT ON NOVEMBER 6, 2018

2

3 RUSSELL WALKER, Foreperson

4 CAROLYN JORDAN, Deputy Foreperson

12:00 5 RACHEL TABRON, Secretary

6 MICHELE CRINE, Assistant Secretary

7 JOHN ASSELIN

8 KATHY COX

9 THERESA GAISSER

12:00 10 DAWN HERSHEY

11 MICHAEL HOLLINGSWORTH

12 STACI HOLLINGSWORTH

13 CHRISTOPHER KERCEL

14 SHARON KLINCK

12:00 15 JAMES MCGREGOR

16 ERIN SCHAPER

17 ROBERT TURNER

18 MARYLEE WHALEN

19 AMY YONESAWA

12:00 20

21 Also present at the request of the Grand Jury:

22 Megan Thomson, Chief Deputy District Attorney

23

24

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12:00

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TY VESPERAS

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NICOLETTE HAWKINS

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PRINCE ALIDU

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1 - PROPOSED INDICTMENT

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12:00 1 LAS VEGAS, NEVADA, NOVEMBER 6, 2018

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4 DANETTE L. ANTONACCI,

12:00 5 having been first duly sworn to faithfully
6 and accurately transcribe the following
7 proceedings to the best of her ability.

8

9 MS. THOMSON: Good morning. My name is

11:05 10 Megan Thomson. I'm the deputy district attorney
11 handling the case of State of Nevada versus Sammie Nunn,
12 Grand Jury case number 18AGJ145X. A copy of the
13 proposed Indictment has been marked as Grand Jury
14 Exhibit Number 1. A copy of the instructions has been
11:05 15 marked as Grand Jury Exhibit Number 2. Before we get
16 started with witnesses, does anyone have any questions?

17 Excellent. I see no hands. So our first
18 witness will be Officer Vesperas.

19 THE FOREPERSON: Please raise your right

11:06 20 hand.

21 You do solemnly swear the testimony you are
22 about to give upon the investigation now pending before
23 this Grand Jury shall be the truth, the whole truth, and
24 nothing but the truth, so help you God?

11:06 25 THE WITNESS: I do, yes.

11:06 1 THE FOREPERSON: You may be seated.
2 You are advised that you are here today to
3 give testimony in the investigation pertaining to the
4 offense of battery with use of a deadly weapon,
11:06 5 involving Sammie Nunn.

6 Do you understand this advisement?

7 THE WITNESS: Yes.

8 THE FOREPERSON: Please state your first
9 and last name and spell both for the record.

11:06 10 THE WITNESS: First name Ty, T-Y, last name
11 Vesperas. V as in Victor, E easy, S as in Sam, P as in
12 Paul, E as in easy, R as in Robert, A as in Sam. Sorry,
13 A as in Adam, S as in Sam.

14 TY VESPERAS,

11:07 15 having been first duly sworn by the Foreperson of the
16 Grand Jury to testify to the truth, the whole truth,
17 and nothing but the truth, testified as follows:

18 EXAMINATION

19 BY MS. THOMSON:

11:07 20 Q. Good morning, Officer. I'm going to direct
21 your attention back to May 27th of 2018. At that time
22 were you working as a patrol officer?

23 A. Yes.

24 Q. And on that date did you get flagged down
11:07 25 by a citizen in the area of Twain and Swenson?

11:07 1 A. Yes.

2 Q. And is that area located in Clark County,
3 Nevada?

4 A. Yes.

11:07 5 Q. When you were flagged down by the
6 individual, did that individual direct your attention to
7 another person on the street?

8 A. Yes, he did.

9 Q. The second person -- the place where your
11:08 10 attention was directed, can you describe to me what you
11 saw?

12 A. So black male adult wearing dark clothing a
13 little distance down east of where we were at. The male
14 had some type of item in his hand at the time. I didn't
11:08 15 know what it was at first.

16 Q. Later did you learn what that item was?

17 A. Yes. After multiple commands of having him
18 drop it and taking him into custody it turned out it was
19 like a foot long wrench.

11:08 20 Q. And I think we all sort of have a sense of
21 what a wrench is, but is that a large metal tool?

22 A. Yes.

23 Q. When you had contact with that individual,
24 is it fair to say that it was longer than just like mere
11:08 25 passing?

11:08 1 A. Yes.

2 Q. Showing you what's been marked as Grand
3 Jury Exhibit Number 3. Do you recognize the individual
4 depicted in this photograph?

11:08 5 A. Yes.

6 Q. And is this someone you had contact with on
7 that stop?

8 A. Yes.

9 Q. Is this the person who initially flagged
11:09 10 you down or the one you described holding the wrench?

11 A. The one I described holding the wrench.

12 Q. Do you know that individual's name as you
13 sit here today?

14 A. Sammie Nunn.

11:09 15 Q. Thank you. Showing the grand jurors Grand
16 Jury Exhibit Number 3.

17 During your contact with Mr. Nunn, did he
18 indicate to you, looking just for a yes or no right now,
19 what had happened that day that caused you ultimately to
11:09 20 have contact with him?

21 A. Yes.

22 Q. Is it fair to say that he told you that he
23 was attacked by several people and that he hit someone
24 who had attacked him with pliers in self-defense? Or a
11:09 25 wrench.

11:09 1 A. Yes.

2 Q. During your contact with him, at any point
3 did he complain of injuries such that you felt that he
4 needed any kind of medical care?

11:10 5 A. No.

6 Q. And did you observe any injuries to his
7 person?

8 A. No.

9 Q. Also fair to say you didn't do a full body
11:10 10 examination?

11 A. Yes.

12 Q. During your contact with Mr. Nunn as you've
13 described, did you have a partner who had contacted the
14 individual who initially flagged you down?

11:10 15 A. Yes.

16 Q. And is that Officer Hawkins?

17 A. Yes.

18 MS. THOMSON: I have no further questions
19 for this witness. Do any members of the Grand Jury have
11:10 20 any questions?

21 THE FOREPERSON: By law, these proceedings
22 are secret and you are prohibited from disclosing to
23 anyone anything that has transpired before us, including
24 evidence and statements presented to the Grand Jury, any
11:10 25 event occurring or statement made in the presence of the

11:10 1 Grand Jury, and information obtained by the Grand Jury.

2 Failure to comply with this admonition is a
3 gross misdemeanor punishable by up to 364 days in the
4 Clark County Detention Center and a \$2,000 fine. In

11:10 5 addition, you may be held in contempt of court
6 punishable by an additional \$500 fine and 25 days in the
7 Clark County Detention Center.

8 Do you understand this admonition?

9 THE WITNESS: Yes.

11:11 10 THE FOREPERSON: Thank you. You're
11 excused.

12 THE WITNESS: Thank you.

13 MS. THOMSON: Next witness is Officer
14 Hawkins.

11:11 15 THE FOREPERSON: Please raise your right
16 hand.

17 You do solemnly swear the testimony you are
18 about to give upon the investigation now pending before
19 this Grand Jury shall be the truth, the whole truth, and
11:11 20 nothing but the truth, so help you God?

21 THE WITNESS: I do.

22 THE FOREPERSON: You may be seated.

23 You are advised that you are here today to
24 give testimony in the investigation pertaining to the
11:11 25 offense of battery with use of a deadly weapon,

11:12 1 involving Sammie Nunn.

2 Do you understand this advisement?

3 THE WITNESS: Yes.

4 THE FOREPERSON: Please state your first

11:12 5 and last name and spell both for the record.

6 THE WITNESS: First name is Nicolette,
7 N-I-C-O-L-E-T-T-E, last name is Hawkins, H-A-W-K-I-N-S.

8 NICOLETTE HAWKINS,

9 having been first duly sworn by the Foreperson of the

11:12 10 Grand Jury to testify to the truth, the whole truth,

11 and nothing but the truth, testified as follows:

12 EXAMINATION

13 BY MS. THOMSON:

14 Q. Good morning, ma'am. I'm going to direct

11:12 15 your attention back to May 27th of 2018. On that day

16 did you respond as back up to Officer Vesperas in the

17 area of Twain and Swenson?

18 A. Yes.

19 Q. And when you arrived, was he in contact

11:12 20 with an individual who was later determined to be a

21 suspect?

22 A. Yes.

23 Q. Showing you what is marked as Grand Jury

24 Exhibit Number 3. Is this that same individual?

11:12 25 A. Yes.

11:12 1 Q. After you initially arrived on scene, did
2 Officer Vesperas ask you to speak with another
3 individual who was out there?

4 A. Yes.

11:13 5 Q. And was that individual identified as
6 Prince Alidu?

7 A. Yes.

8 Q. When you came into contact with Prince, can
9 you describe how he appeared?

11:13 10 A. He was bleeding a lot.

11 Q. Do you recall if he was bleeding from his
12 head or some other part of his body?

13 A. From his head.

14 Q. And during your contact with him did he
11:13 15 identify to you who had caused the injury that was
16 bleeding?

17 A. Yes.

18 Q. Was that the same individual that Officer
19 Vesperas was speaking to?

11:13 20 A. Yes.

21 Q. To be fair, you didn't see the injury
22 happen, you didn't see the altercation, you don't know
23 anything other than what he told you?

24 A. Yes.

11:13 25 Q. Ultimately do you recall if Prince received

11:13 1 any kind of medical care?

2 A. Yes, medical arrived on scene.

3 Q. Do you know if he was transported to the
4 hospital or if he just received treatment on scene?

11:13 5 A. He was transported.

6 Q. One last question. The area of Twain and
7 Swenson, is there a store there called, or in that area
8 called Your Stop Liquor?

9 A. Yes.

11:14 10 Q. And is that store also located in Clark
11 County?

12 A. Yes.

13 MS. THOMSON: I have no further questions
14 for this witness. Do any members of the Grand Jury have
11:14 15 any questions?

16 THE FOREPERSON: By law, these proceedings
17 are secret and you are prohibited from disclosing to
18 anyone anything that has transpired before us, including
19 evidence and statements presented to the Grand Jury, any
11:14 20 event occurring or statement made in the presence of the
21 Grand Jury, and information obtained by the Grand Jury.

22 Failure to comply with this admonition is a
23 gross misdemeanor punishable by up to 364 days in the
24 Clark County Detention Center and a \$2,000 fine. In
11:14 25 addition, you may be held in contempt of court

11:14 1 punishable by an additional \$500 fine and 25 days in the
2 Clark County Detention Center.

3 Do you understand this admonition?

4 THE WITNESS: Yes.

11:14 5 THE FOREPERSON: Thank you. You're
6 excused.

7 MS. THOMSON: The next witness will be
8 Prince Alidu, but before I bring him in I want to let
9 the grand jurors know we're going to be talking about
11:15 10 two incidents in your Indictment. You have only the
11 incident from May 27th charged. You will not be
12 deliberating today so you'll receive an amended
13 Indictment that includes both incidents, but so that
14 you're not going what's happening right now, we will
11:15 15 also be back talking about an incident on June 3rd that
16 occurred at the Your Stop liquor. The charges I
17 anticipate associating to that are battery with a deadly
18 weapon and assault with a deadly weapon so it's not
19 going to be crazy shocking.

11:15 20 THE FOREPERSON: Please raise your right
21 hand.

22 You do solemnly swear the testimony you are
23 about to give upon the investigation now pending before
24 this Grand Jury shall be the truth, the whole truth, and
11:15 25 nothing but the truth, so help you God?

11:16 1 THE WITNESS: Yes, I do.
2 THE FOREPERSON: You may be seated.
3 You are advised that you are here today to
4 give testimony in the investigation pertaining to the
11:16 5 offense of battery with use of a deadly weapon,
6 involving Sammie Nunn.

7 Do you understand this advisement?

8 THE WITNESS: Yes, sir.

9 THE FOREPERSON: Please state your first
11:16 10 and last name and spell both for the record.

11 THE WITNESS: My first name is Prince, last
12 name is Alidu. P-R-I-N-C E, last name Alidu, A-L-I-D-U.

13 PRINCE ALIDU,

14 having been first duly sworn by the Foreperson of the
11:16 15 Grand Jury to testify to the truth, the whole truth,
16 and nothing but the truth, testified as follows:

17 EXAMINATION

18 BY MS. THOMSON:

19 Q. Good morning, sir. I'm going to direct
11:16 20 your attention first back to May 27th of this year. On
21 that day did you come into contact with someone who
22 caused you physical harm?

23 A. Yes, ma'am.

24 Q. Showing you what's been marked as Grand
11:16 25 Jury Exhibit Number 3. Do you recognize the individual

11:17 1 in this photograph?

2 A. Yeah, that's him. That's Sam Nunn.

3 Q. And is this the individual who caused you
4 harm on that day?

11:17 5 A. Yes, ma'am.

6 Q. On that date did you have contact with the
7 female officer who just left this room?

8 A. Yes, ma'am.

9 Q. And did you indicate to her that this man
11:17 10 was the individual who had hurt you?

11 A. Yes, ma'am.

12 Q. Okay. Can you tell the ladies and
13 gentlemen of the Grand Jury what happened on that day?

14 A. On that day I was at the Your Stop, that's
11:17 15 a store, we call it Your Stop, it's like a place you can
16 buy cigarette. So he approached me and ask if I have 50
17 cent. I told him I don't have 50 cent. So then a few
18 minutes later I think it's a female friend came
19 attacking me calling me all kind of name because I
11:17 20 didn't give him the 50 cent. So when she start
21 attacking me I said I don't have 50 cent to give it to
22 him.

23 Q. I'm going to stop you. If you can talk
24 just a little bit slower. You have a very beautiful
11:18 25 accent but it's a little bit harder to understand.

11:18 1 A. Okay. I'm sorry.

2 So when she start talking to me about a 50
3 cent, I say I don't have 50 cent to give it to him.

4 Then Sam Nunn came back to me, start talking, calling me
11:18 5 all kind of name. I said listen, just leave me alone.

6 So when I say that he left and went back to the
7 apartment complex. Within a few minutes later he came
8 back. When he came back and he said what's you gonna
9 do. I said what do you mean what am I gonna do. He

11:18 10 already got a tool on his hand. I didn't even get a
11 chance to say nothing to him before I see right in my
12 face.

13 Q. So you said he had a tool in his hand. Do
14 you remember what that tool looked like?

11:18 15 A. It's like a plier. Plier. For an
16 electrician. Like a plier. Before I realized that.
17 And he still have it in his hand when the police came
18 and they got him.

19 Q. So you said you saw the plier in his hand.
11:19 20 Did he hit you with the plier?

21 A. Oh yeah.

22 Q. Can you describe generally, were they like
23 the needle nose pliers that are like three inches long
24 or were was it something bigger?

11:19 25 A. It's about this long.

11:19 1 Q. For the record your fingers are between
2 nine to twelve inches apart?

3 A. Yes, ma'am.

4 Q. When you saw it in his hand, you said that,
11:19 5 I believe you said that he hit you; is that correct?

6 A. Yes, ma'am.

7 Q. Where did he hit you on your body?

8 A. Just went like that right on the face. You
9 can see the mark now.

11:19 10 Q. And for the record you've just moved your
11 arm in sort of an arm and down movement?

12 A. Yeah.

13 Q. And you're pointing to the left side of
14 your face next to your nose?

11:19 15 A. Yeah. We were standing face to face,
16 facing each other, and he was so quick. So he just went
17 like that right on my face and I was bleeding
18 everywhere.

19 Q. You said you can still see the mark on your
11:19 20 face?

21 A. Oh yeah, right here.

22 Q. Do you have a scar from it?

23 A. Yes, I do.

24 Q. Did you go to the hospital that day?

11:19 25 A. Yes. The officer came, I think about three

11:20 1 police officers. I had to sit down because I was
2 bleeding heavy and they called ambulance for me to go to
3 the hospital to get stitches.

4 Q. So you got stitches. Do you remember how
11:20 5 many stitches you got?

6 A. I don't remember, ma'am.

7 Q. Okay. Moving on from that day.

8 Well, let me ask you. Fair to say that
9 that injury hurt?

11:20 10 A. Yes, ma'am.

11 Q. For how long were you still experiencing
12 pain from it?

13 A. Almost a week. You know. Almost a week.
14 They give me some medication to take, you know.

11:20 15 Q. Moving on from May 27th. On June 3rd were
16 you at the Your Stop liquor also on Twain when something
17 again happened?

18 A. Yes, ma'am.

19 Q. And on that day were you there with a
11:20 20 friend named Kerick, K-E-R-I-C-K Hines, H-I-N-E-S?

21 A. Yes, ma'am.

22 Q. Can you describe for the ladies and
23 gentlemen of the Grand Jury what happened on June 3rd at
24 the Your Stop liquor?

11:21 25 A. On June 3rd, again me and the guy you just

11:21 1 call his name, that's my best friend, we were just
2 standing there again. It's like a place we go chill
3 out, talk, see each other. So Sam Nunn walk with
4 somebody to the store. When they walk to the store, my
11:21 5 friend was talking to him, I wasn't talking to him
6 because I already went through pain with him so I don't
7 want anything to do with him again. So then he said
8 Prince, what's you going to do again. I didn't say
9 nothing. So my friend say why don't you leave this man
11:21 10 alone, he's old enough to be your father, that's what my
11 friend said to him. Then before I see again, he got a
12 gun in his hand, then right again in my head.

13 Q. Let me pause you. You said he had a gun in
14 his hand. We have several men here. Who had the gun?

11:21 15 A. Sam Nunn.

16 Q. Can you describe the gun?

17 A. It's a black short, I don't know guns.
18 It's a black short one, you know. Everything that this
19 boy did to me so quick, you know, right again in my head
11:22 20 and I went down.

21 Q. And just now you were pointing, you had
22 pointed to the top of your head; is that correct?

23 A. Yes, right here. I was bleeding.

24 Q. Do you know what part of the gun, like the
11:22 25 part that you hold or the part where the bullet comes

11:22 1 out or some other part of the gun, hit your head?

2 A. I didn't get a chance to even see the whole

3 thing.

4 Q. You said when he hit you with the gun on

11:22 5 your head you fell down?

6 A. Yeah, I fell down.

7 Q. Do you know if you lost consciousness?

8 A. A little bit. I lost consciousness a

9 little bit. So my friend Mr. Hines picked me up.

11:22 10 That's when I went and called 911 again and I gave him

11 the phone. Then two officers arrive. Before they

12 arrive he went to the house.

13 Q. Who went to the house?

14 A. Sam Nunn and his buddy, they already left

11:22 15 the scene, and I describe where he stay at. They went

16 there and talk to him.

17 Q. And I'm going to stop you there. Before

18 Sammie hit you with the gun, at any point did he point

19 it at you?

11:23 20 A. No.

21 Q. Do you recall if he made any threats to you

22 on June 3rd at the Your Stop liquor?

23 A. It was like people keep on coming to me

24 after we have the first incident --

11:23 25 Q. I don't want you to tell me anything anyone

11:23 1 else said. I just want to know if at the Your Stop
2 Liquor he said anything to you that you considered to be
3 a threat.

4 A. Not really. Because I try to avoid him.

11:23 5 Q. Okay. At any time, either before or after
6 he hit you with the gun since I asked a very specific
7 question, did you see him point the gun at you?

8 A. No.

9 Q. What about Kerick Hines, did he point the
11:23 10 gun at Kerick at all?

11 A. Sam Nunn's friend almost get into a fight
12 with me friend because of me but I stop and say no,
13 don't do it. And it scare me he having the gun. So I
14 got to make peace with them because I don't know what's
11:24 15 going to happen after that, you know.

16 Q. Talking about both May 27th and June 3rd,
17 at any time before Sammie Nunn hit you, did you hit him,
18 kick him, threaten to hurt him, his family, anything
19 like that?

11:24 20 A. After all this, if I were to get a chance
21 to hold him for what he did to me, I don't think it's
22 going to go away easily.

23 Q. So let me ask you the question again
24 because I don't feel like you responded to the question.

11:24 25 So I'll ask it smaller. On May 27th, the day he hit you

11:24 1 with the wrench or the pliers --

2 A. Uh-huh.

3 Q. -- on that day, May 27th, did you touch him
4 at all?

11:24 5 A. Never, ma'am, never touch him.

6 Q. On June 3rd, the day he had the gun and hit
7 you with the gun, did you touch him?

8 A. Never, ma'am. Never.

9 Q. On either of those days did you tell him
11:25 10 you were going to hurt him?

11 A. No.

12 Q. Okay. On June 3rd, your friend Mr. Hines,
13 did he touch Sammie or threaten Sammie at all?

14 A. No. No.

11:25 15 MS. THOMSON: Okay. I have no further
16 questions of this witness. Do any members of the Grand
17 Jury have any questions?

18 BY A JUROR:

19 Q. The gun that he hit you with, do you know
11:25 20 what it looked like?

21 A. I think pliers, you know, like pliers,
22 wrench, yeah.

23 Q. The gun?

24 A. Oh, the gun? It's a little small gun like
11:25 25 this.

11:25 1 Q. Like a pistol?

2 A. Yeah, a pistol, yeah.

3 BY MS. THOMSON:

4 Q. And for the record you held your fingers up

11:25 5 I would say that was five to seven inches?

6 A. Something like that, yeah. A small one

7 like this.

8 Q. Do you know the difference between a

9 revolver and a semi-automatic gun?

11:26 10 A. No.

11 Q. Okay.

12 A. I don't know.

13 MS. THOMSON: Any other questions?

14 THE FOREPERSON: By law, these proceedings

11:26 15 are secret and you are prohibited from disclosing to

16 anyone anything that has transpired before us, including

17 evidence and statements presented to the Grand Jury, any

18 event occurring or statement made in the presence of the

19 Grand Jury, and information obtained by the Grand Jury.

11:26 20 Failure to comply with this admonition is a

21 gross misdemeanor punishable by up to 364 days in the

22 Clark County Detention Center and a \$2,000 fine. In

23 addition, you may be held in contempt of court

24 punishable by an additional \$500 fine and 25 days in the

11:26 25 Clark County Detention Center.

11:26 1 Do you understand this admonition?

2 THE WITNESS: Yes, sir.

3 THE FOREPERSON: Thank you. You're
4 excused.

11:26 5 THE WITNESS: Thank you too.

6 MS. THOMSON: If you'll wait in that little
7 room for me I'll be out in just a minute.

8 I'm not going to ask you to deliberate
9 today. You do, as I previously noted, have a copy of

11:27 10 the instructions marked as Exhibit 2. I'd ask that
11 those either be reviewed today while you have a little
12 bit of time before the next presentation or when we come
13 back in the future for deliberation I will be asking if
14 everyone has had an opportunity to review those. Does
11:27 15 anyone have any questions before we leave each other
16 today?

17 Seeing no hands. That is the conclusion of
18 today's presentation.

19 (Proceedings adjourned, to reconvene at a later,

11:27 20 undetermined time.)

21 --oo0oo--

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11:27

1

AFFIRMATION

2

Pursuant to NRS 239B.030

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4

The undersigned does hereby affirm that the
preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER
18AGJ145X:

11:27

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X Does not contain the social security number of any
person,

9

11:27

10

-OR-

11

 Contains the social security number of a person as
required by:

12

13

A. A specific state or federal law, to-
wit: NRS 656.250.

14

-OR-

11:27

15

B. For the administration of a public program
or for an application for a federal or
state grant.

16

17

18

/s/ Danette L. Antonacci

19

Signature

11-14-18

Date

11:27

20

21

Danette L. Antonacci

22

Print Name

23

Official Court Reporter

24

Title

25



EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)
)
Plaintiff,)
)
vs.) GJ No. 18AGJ145X
) DC No. C336184
SAMMIE NUNN,)
)
Defendant.)

Taken at Las Vegas, Nevada
Tuesday, November 13, 2018
11:41 a.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 2

Reported by: Danette L. Antonacci, C.C.R. No. 222

12:00 1 GRAND JURORS PRESENT ON NOVEMBER 13, 2018
2
3 RUSSELL WALKER, Foreperson
4 CAROLYN JORDAN, Deputy Foreperson
12:00 5 RACHEL TABRON, Secretary
6 MICHELE CRINE, Assistant Secretary
7 JOHN ASSELIN
8 KATHY COX
9 THERESA GAISSER
12:00 10 DAWN HERSHEY
11 MICHAEL HOLLINGSWORTH
12 STACI HOLLINGSWORTH
13 CHRISTOPHER KERCEL
14 SHARON KLINCK
12:00 15 JAMES MCGREGOR
16 ROBERT TURNER
17 MARYLEE WHALEN
18
19 Also present at the request of the Grand Jury:
12:00 20 Megan Thomson, Chief Deputy District Attorney
21
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23
24
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12:00

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25INDEX OF EXHIBITSGrand Jury ExhibitsIdentified

1A - AMENDED PROPOSED INDICTMENT

5

12:00 1 LAS VEGAS, NEVADA, NOVEMBER 13, 2018

2 * * * * *

3
4 DANETTE L. ANTONACCI,

12:00 5 having been first duly sworn to faithfully
6 and accurately transcribe the following
7 proceedings to the best of her ability.
8

9 MS. THOMSON: We are back on the record on
11:41 10 State of Nevada versus Sammie Nunn. This is Grand Jury
11 case number 18AGJ145X. As we discussed last time there
12 has been an added charge of assault with deadly weapon
13 with regard to Prince Alidu. I'm mispronouncing that
14 I'm sure. So I'm going to ask to amend this to include,
11:42 15 instead of Count 2 as assault with a deadly weapon, have
16 it read battery with use of a deadly weapon, and that
17 will be for the June date which I believe was June 3rd.
18 Count 1 will remain May 27th. The named victim will
19 still remain Prince Alidu. And the deadly weapon will
11:43 20 be a firearm. Is everyone present today -- has
21 everyone -- we were here last week. Were all of you
22 here last week?

23 A JUROR: Yes.

24 THE FOREPERSON: Yes.

11:43 25 MS. THOMSON: Has everyone had an

11:43 1 opportunity to review the instructions that were
2 provided last week?

3 Okay. Are there any questions before I ask
4 you to deliberate?

11:43 5 Seeing no hands I will ask you to
6 deliberate.

7 THE FOREPERSON: Real quick question. So
8 we have Count 1, battery with use of a deadly weapon
9 resulting in substantial bodily harm, Count 2 is battery
11:43 10 with use of a deadly weapon, and Count 3 is assault with
11 a deadly weapon. Is that correct?

12 MS. THOMSON: I'm going to ask to remove
13 Count 3. Thank you. So the amended Indictment that you
14 were provided is marked as 1A and then we've made some
11:44 15 changes to 1A. Thank you.

16 (At this time, all persons, other than
17 members of the Grand Jury, exit the room at 11:44 a.m.
18 and return at 11:45 a.m.)

19 THE FOREPERSON: Madame District Attorney,
11:45 20 by a vote of 12 or more grand jurors a true bill has
21 been returned against Sammie Nunn charging the crimes of
22 battery with use of a deadly weapon resulting in
23 substantial bodily harm and battery with use of a deadly
24 weapon, in Grand Jury case number 18AGJ145X. We
11:46 25 instruct you to prepare an Indictment including the

11:46 1 amends we just spoke of and was previously submitted to
2 us.

3 MS. THOMSON: Thank you very much.

4 (Proceedings concluded.)

11:46 5 --oo0oo--

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REPORTER'S CERTIFICATE

STATE OF NEVADA)
 : ss
COUNTY OF CLARK)

I, Danette L. Antonacci, C.C.R. 222, do
hereby certify that I took down in Shorthand (Stenotype)
all of the proceedings had in the before-entitled matter
at the time and place indicated and thereafter said
shorthand notes were transcribed at and under my
direction and supervision and that the foregoing
transcript constitutes a full, true, and accurate record
of the proceedings had.

Dated at Las Vegas, Nevada,
November 26, 2018.

/s/ Danette L. Antonacci

Danette L. Antonacci, C.C.R. 222

11:46

1

AFFIRMATION

2

Pursuant to NRS 239B.030

3

4

The undersigned does hereby affirm that the
preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER
18AGJ145X:

11:46

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X Does not contain the social security number of any
person,

9

11:46

10

-OR-

11

 Contains the social security number of a person as
required by:

12

13

A. A specific state or federal law, to-
wit: NRS 656.250.

14

-OR-

11:46

15

B. For the administration of a public program
or for an application for a federal or
state grant.

16

17

18

/s/ Danette L. Antonacci

19

Signature

11-26-18

Date

11:46

20

21

Danette L. Antonacci

22

Print Name

23

Official Court Reporter

24

Title

25



1 **EXMT**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MEGAN THOMSON
6 Chief Deputy District Attorney
7 Nevada Bar #11002
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,
11 Plaintiff,

12 -vs-

13 SAMMIE NUNN,
14 #2751864

15 Defendant.

CASE NO. C336184

DEPT NO. IX

17 **EX PARTE MOTION FOR RELEASE OF CERTIFIED MEDICAL**
18 **RECORDS AND AUTHORIZATION FOR RELATED WITNESS**
19 **TESTIMONY**

20 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
21 District Attorney, through MEGAN THOMSON, Chief Deputy District Attorney, and moves
22 this Honorable Court for an Order releasing evidence which includes protected health
23 information being held by SUNRISE HOSPITAL, consisting of any and all medical records,
24 to include a certificate of custodian of records, for patient: PRINCE ALIDU, DOB: 7/7/1957,
25 concerning diagnosis, prognosis and/or treatment given or provided on or after MAY 27, 2018,
26 which relate to injuries sustained on or about said date, to be released to a representative of
27 the DISTRICT ATTORNEY'S OFFICE, and authorizing the appearance and testimony from
28 any and all medical personnel referenced in the foregoing medical records at pre-trial
conferences and all court proceedings, for the purpose of prosecuting the above referenced

DOCUMENT3


1 case charging the crime of BATTERY WITH USE OF A DEADLY WEAPON

2 Pursuant to 45CFR164.512(f), Movant represents that the information sought is
3 relevant and material to a legitimate law enforcement inquiry; that the request is specific and
4 limited in scope to the extent reasonably practicable in light of the purpose for which the
5 information is sought; and that de-identified information could not reasonably be used.

6 DATED this 14 day of November, 2018.

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

10 BY


11 MEGAN THOMSON
12 Chief Deputy District Attorney
13 Nevada Bar #11002
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28 a/MT



ORDER

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MEGAN THOMSON
Chief Deputy District Attorney
Nevada Bar #11002
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

SAMMIE NUNN,
#2751864

Defendant.

CASE NO. C336184

DEPT NO. IX

**ORDER RELEASING CERTIFIED MEDICAL RECORDS AND
AUTHORIZATION FOR RELATED WITNESS TESTIMONY**

Upon the ex parte application and representation of STEVEN B. WOLFSON, Clark County District Attorney, by and through MEGAN THOMSON, Chief Deputy District Attorney, that certain medical records containing protected health information are necessary for the prosecution of the above-captioned criminal case are being held in the custody of SUNRISE HOSPITAL; that said information is relevant and material to a legitimate law enforcement inquiry; that the application was specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought; and that de-identified information could not reasonably be used;

NOW THEREFORE, pursuant to 45CFR164.512(f), and GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that SUNRISE HOSPITAL shall release to a representative of the DISTRICT ATTORNEY'S OFFICE, any and all medical records, to

1 include a certificate of custodian of records, concerning diagnosis, prognosis, and/or treatment
2 of PRINCE ALIDU, whose date of birth is 7/7/1957, which were prepared on or after MAY
3 27, 2018, and relate to injuries sustained on or about said date.

4 IT IS FURTHER ORDERED that any and all medical personnel referenced in the
5 foregoing medical records shall be authorized to appear for pre-trial conferences and pursuant
6 to subpoena to testify regarding their treatment of PRINCE ALIDU at all court proceedings.

7 DATED this 26th day of November, 2018.

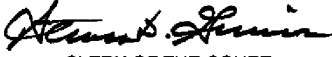
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10 
11 DISTRICT JUDGE

12 STEVEN B. WOLFSON
13 Clark County District Attorney
14 NEVADA BAR #001565

15 BY 

16 MEGAN THOMSON
17 Chief Deputy District Attorney
18 Nevada Bar #11002
19
20
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28 a/MT


CLERK OF THE COURT

1 NOCH

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

5 *****

6 State of Nevada

Case No.: C-18-336184-1

7 vs

Department 7

8 Sammie Nunn

9
10 **NOTICE OF CHANGE OF HEARING**

11 The hearing on the Further Proceedings: Competency, presently set for January 18, 2019, at
12 9:00 AM; has been moved to the 18th day of January, 2019, at 10:00 AM and will be heard
13 by Judge Linda Marie Bell.

14
15 STEVEN D. GRIERSON, CEO/Clerk of the Court

16 By: /s/ Marie Kramer

17 Marie Kramer, Deputy Clerk of the Court

18 **CERTIFICATE OF SERVICE**

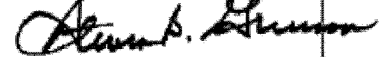
19
20 I hereby certify that this 15th day of January, 2019

21 ☒ I placed a copy of the foregoing Notice of Change of Hearing in the appropriate
22 attorney folder located in the Clerk of the Court's Office:

23 Steven B Wolfson
24 Anthony M Goldstein

25 /s/ Marie Kramer

26 Marie Kramer, Deputy Clerk of the Court
27
28



1 **OCNRS**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 CHRISTOPHER J. LALLI
6 Assistant District Attorney
7 Nevada Bar #005398
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -VS-

12 SAMMIE NUNN,
13 #2751864

14 Defendant.

CASE NO: C-18-336184-1

DEPT NO: VII

15 **ORDER OF COMMITMENT**

16 THIS MATTER came before the Court on the 18th day of January, 2019, when doubt
17 arose as to competence of the Defendant, the Defendant being present with counsel,
18 ANTHONY GOLDSTEIN, Esq., the State being represented by STEVEN B. WOLFSON,
19 District Attorney, through GLEN O'BRIEN, his Deputy, and the Court having considered the
20 reports of Doctors C. Philip Colosimo, Mark Chambers, and Mark Krelstein, licensed and
21 practicing psychologists and/or psychiatrists in the State of Nevada, finds the Defendant
22 incompetent, and that he is dangerous to himself and to society and that commitment is
23 required for a determination of his ability to receive treatment to competency and to attain
24 competence, and good cause appearing, it is hereby

25 ORDERED that, pursuant to NRS 178.425(1), the Sheriff and/or a designee(s) of the
26 Division of Public and Behavioral Health of the Department of Health and Human Services,
27 shall convey the Defendant forthwith, together with a copy of the complaint, the commitment
28 and the physicians' certificate, if any, into the custody of the Administrator of the Division of

JAN 24 2019

Public and Behavioral Health of the Department of Health and Human Services or his or her designee for detention and treatment at a secure facility operated by that Division; and, it is

FURTHER ORDERED that, pursuant to NRS 433A.165, before the defendant may be transported to a public or private mental health facility he must:

1. First be examined by a licensed physician or physician assistant or an advanced practitioner of nursing to determine whether the person has a medical problem, other than a psychiatric problem, which requires immediate treatment; and

2. If such treatment is required, be admitted to a hospital for the appropriate medical care; and, it is

FURTHER ORDERED that the Defendant is required to submit to said medical examination which may include, but is not limited to, chest x-rays and blood work; and, it is

FURTHER ORDERED that the cost of the examination must be paid by Clark County, unless the cost is voluntarily paid by the Defendant or on his behalf, by his insurer or by a state or federal program of medical assistance; and, it is

FURTHER ORDERED that, pursuant to NRS 178.425(2), the Defendant must be held in such custody until a court orders his release or until he is returned for trial or judgment as provided in NRS 178.450, 178.455 and 178.460; and, it is

FURTHER ORDERED that, pursuant to NRS 178.425(4), these proceedings against the Defendant are suspended until the Administrator or his or her designee finds him capable of standing trial as provided in NRS 178.400; and, it is

FURTHER ORDERED that, pursuant to NRS 178.435, the expenses of the examination and of the transportation of the Defendant to and from the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services or his or her designee are chargeable to Clark County; and, it is

FURTHER ORDERED that the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services or his or her designee shall keep the Defendant under observation and evaluated periodically; and, it is

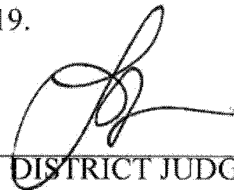
//

1 FURTHER ORDERED that the Administrator or his or her designee shall report in
2 writing to this Court and the Clark County District Attorney whether, in his opinion, upon
3 medical consultation, the Defendant is of sufficient mentality to be able to understand the
4 nature of the criminal charge against him and, by reason thereof, is able to aid and assist his
5 counsel in the defense interposed upon the trial or against the pronouncement of the judgment
6 thereafter. The administrator or his or her designee shall submit such a report within 6 months
7 after this order and at 6 month intervals thereafter. If the opinion of the Administrator or his
8 or her designee about the Defendant is that he is not of sufficient mentality to understand the
9 nature of the charge against him and assist his own defense, the Administrator or his or her
10 designee shall also include in the report his opinion whether:

11 1. There is a substantial probability that the Defendant can receive treatment
12 to competency and will attain competency to stand trial or receive pronouncement of judgment
13 in the foreseeable future; and

14 2. The Defendant is at that time a danger to himself or to society.

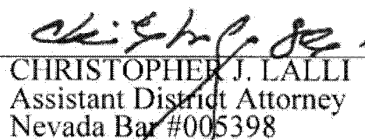
15 DATED this 27 day of January, 2019.

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DISTRICT JUDGE

19 STEVEN B. WOLFSON
20 District Attorney
21 Nevada Bar #001565

22 BY

23 
24 CHRISTOPHER J. LALLI
25 Assistant District Attorney
26 Nevada Bar #005398

27
28 aw



1 **ORDR**

2 Linda Marie Bell
3 District Court Judge, Department CII
4 200 Lewis Avenue
5 Las Vegas, Nevada 89155
6 (702) 671-4344

7
8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13 **Sammie Nunn,**
14 ID # 2751864,

15 Defendant.

Case No: **C-18-336184-1**

Dept No: 7

16 **ORDER TO TRANSPORT DEFENDANT FROM SOUTHERN NEVADA ADULT**
17 **HEALTH RAWSON-NEAL PSYCHIATRIC HOSPITAL**

18 TO: SOUTHERN NEVADA ADULT HEALTH RAWSON-NEAL
19 PSYCHIATRIST HOSPITAL AND/OR CLARK COUNTY DETENTION
20 CENTER:

21 WHEREAS, on the 18th day of January, 2019 pursuant to Order of the above-
22 entitled Court, you were directed to transport the above-named Defendant to the custody of
23 the Division of Mental Health and Developmental Services of the Department of Human
24 Resources, or his designee, for necessary care and treatment; and,

25 WHEREAS, the Defendant having been examined by Drs. Bossi, Abukamil, and
26 Roley pursuant to NRS 178.455, with the reports of that examination being forwarded to the
27 Court for its review thereof;

28 IT IS ORDERED that you, the Sheriff of Clark County and/or designee(s) of the
29 Division of Mental Health and Developmental Services of the Department of Human
30 Resources, are hereby ordered to transport the Defendant from the Southern Nevada Adult
31 Health Rawson-Neal Psychiatric Hospital, Clark County, Nevada, to the Clark County

CLERK OF THE COURT
MAR 14 2019
RECEIVED
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1 Detention Center, Las Vegas, Nevada, by Friday, March 22, 2019 at 10:00 a.m. when
2 further proceedings have been scheduled by the Court in this matter.

3 IT IS FURTHER ORDERED that the Sheriff of Clark County, Nevada, shall accept
4 and retain custody of said Defendant in the Clark County Detention Center pending
5 completion of proceedings in the above-captioned matter, or until the further Order of this
6 Court, and that you continue the course of treatment of the Defendant as prescribed by the
7 Administrator of the Division of Mental Health and Developmental Services of the
8 Department of Human Resources or his designee.

9 DATED: March 13, 2019



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11 LINDA MARIE BELL
DISTRICT JUDGE
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1 **FOC**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 CHRISTOPHER J. LALLI
6 Assistant District Attorney
7 Nevada Bar #005398
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 SAMMIE NUNN,
13 #2751864

14 Defendant.

CASE NO: C-18-336184-1

DEPT NO: VII

16 **FINDINGS OF COMPETENCY**

17 THIS MATTER having come on for hearing before the above-entitled Court on the
18 18th day of January, 2019, and it appearing to the Court that, pursuant to NRS 178.425(1), the
19 Sheriff was ordered to convey the Defendant forthwith, together with a copy of the complaint,
20 the commitment and the physicians' certificate, if any, into the custody of the Administrator
21 of the Division of Public and Behavioral Health of the Department of Health and Human
22 Services or his or her designee for detention or treatment at a secure facility operated by that
23 Division or his designee; and, it appearing that, upon medical consultation, the Administrator
24 or his or her designee has reported to the Court in writing his specific findings and opinion
25 that the Defendant is of sufficient mentality to be able to understand the nature of the criminal
26 charge against him and, by reason thereof, is able to assist his counsel in the defense interposed
27 upon the trial or against the pronouncement of the judgment thereafter; now, therefore,

28 //

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1 THE COURT FINDS, pursuant to NRS 178.460, that the said Defendant is competent
2 to stand trial in the above-entitled matter; and,


3 IT IS HEREBY ORDERED that you, the Administrator of the Division of Public and
4 Behavioral Health of the Department of Health and Human Services or his or her designee,
5 shall provide forthwith to the Director of Mental Health of the Clark County Detention Center,
6 true and complete copies of the Defendant's psychological evaluations, hospital course of
7 treatment and discharge summary; and,

8 IT IS FURTHER ORDERED that you, the Sheriff of Clark County, Nevada, shall
9 accept and retain custody of said Defendant in the Clark County Detention Center pending
10 completion of proceedings in the above-captioned matter, or until the further Order of this
11 Court.

12 DATED this 12 day of March, 2019.

13
14 
15 JUDGE

16 STEVEN B. WOLFSON
17 District Attorney
Nevada Bar #001565

18
19 BY 
20 CHRISTOPHER J. LALLI
21 Assistant District Attorney
22 Nevada Bar #005398
23
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mc

PP
DA
KOR
Anthony
Goldstien

District Court
Clark County Nevada

FILED 1
APR 29 2019

John T. [illegible]
CLERK OF COURT

State of Nevada
Plaintiff

Case No: C-18-336184-1
Dept No: IX

V.S.

Sammie Nunn #2751864
Defendant

May 14 2019

In the "Present" Pro Per'
Pro SE

@ 9:00 AM

EMERGENCY MOTION TO DISMISS COUNCIL (With Extreme Prejudice)

Now comes the Defendant (so compelled to proceed),
Sammie Nunn, MOVES THIS HONORABLE COURT TO DISMISS STATE
Appointed Attorney Anthony Goldstien and Appoint other
council To #1 Assist, and #2. Represent This Defendant.

Then To The Appointment of ALTERNATIVE COUNCIL
Within the Powers of The STATE BAR OF NEVADA PURSUANT TO
The Rules of The SUPREME COURT; NRS 174.195; NRS 179.138,
NV CONST, ART, 183; And GIDEON V. WAINWRIGHT 372 U.S., 344
Among OTHERS.

1. ~~AS~~ Certain Fundamental Rights Must Be safe-
guarded From Intrusive Governmental conduct, Particularly
Relevant To Situations Involving A Criminal suspect or
Defendant Pursuant to the federal Bill of Rights.

2. A Judicially created Right to Have Counsel Present At "Every" Stage of Investigatory Detained Proceedings: EDWARDS Rule: 6th Amendment; STRICKLAND standard; And NRS 171.188 and NRS 180.050.

Declaration

I AM THE DEFENDANT, SAMMIE NUNN, SO ACCUSED, with A Clear violation of Due Process Being The Restricted Access of Legal Retention AND NEGLIGENT REPRESENTATION THE LACK OF COMPETENT AND ATTEMPTED REPRESENTATION, OR THE ASSISTANCE THERE OF' AS WELL AS "ANY RESEMBLANCE" OF EFFECTIVE Representation, or Assistance There of, etc... Who HAS THE Right to Present to this Honorable court And Judicial system, keeping with The conduct of The Rights of The ACCUSED AND LAWS Given TO "US BOTH" TO The effect of Justice Impartiality AND LIBERTY ACCORDING TO THE 5th, 6th AND 7th Amendment AND SO FORTH; NRS 171 TITLE 14 (P.C.G.) IN WHICH DEFENDANT SEEKS Resolution ADDRESSED.

Being the ACCUSED AND Present Bearer Pro PER' Pro SE. UNABLE TO competently execute The Proceedings under Penalty of PERJURY SWEAR The Issues Within TO BE TRUE To The BEST of My knowledge. (NRS 171.102 and NRS 208.165)

Executed this day 20th
of the 4th month, 2019 Defendant
SAMMIE NUNN In The Present Pro Per' Pro SE

②

Points OF Authorities

It IS Respectfully And Lawfully Requested That This Honorable Court Grant This Motion To Dismiss Counsel (With Extreme Prejudice) For The Reasons Listed Below:

Since Clark County Court Appointed Counsel Anthony Goldstien took over Case # C-18-336184-1, on or NEAR Sept. 1st 2018, defendant, SAMMIE NUNN, has been prejudiced Against and suffered Manifested injustice (physically, Mentally and Financially.) Based on Clark County's Court Appointed Attorney Anthony Goldstien's Failure To:

① Communicate with Defendant on any relevant matters concerning case # C-18-336184-1, Details of case other than to relay Alleged prosecutors plea offers or upcoming court dates, Be it in person, on video or Telephone... *EZE v. SENKOWSKI*, 321 F3d 110 (2nd Cir. 2008)

② Investigate As to Clients ORAL, WRITEN and "AT Court" Requests, of Any defense that (surely can & will!) help my case... *MAK v. Blodgett*, 970 F2d 614 (9th Cir. 2014)

③ Apply For Any And All Necessary documents to help Towards An Impartial Resolution OF Case # C-18-336184-1, Brady' DISCOVERY.

④ Talk to witnesses In The Defendants favor or send a Private Investigator to investigate Detailed information from Witness Brook, who works at Yourstop Liquor Store.

⑤ Keep Defendant confident claiming he does not believe

③

The Defendant and neither will the jury.

⑥ Failure to go over transcripts and explain competent angles and legal procedures.

⑦ Hasnt gone over Discovery, hasnt brought discovery.

⑧ Failure to Locate Transcripts from Judge Karen Bennett-Harons Temporary Protective Order Hearing case #18PC00861 which References case #E18-336184-4 and should be used as a credibility tool since the victim made a completely different statement showing the victim lied enabling a false arrest. Anthony Goldstien claims the Transcripts were erased from court records, but I have a copy and would like them to be a part of court records.

⑨ Hasnt Put me in mental health court, Im on court ordered Meds.

A Petitioner claiming Ineffective Assistance of Counsel is Entitled To Relief If There is A "Reasonable Probability" That But For Counsel's unprofessional errors, THE END Result of the Proceeding would Have Been Different. NRS 180.060... Duties of a Public Defender; Clearly Violated.

Quoting STRICKLAND "The Right To Counsel is The Right to "EFFECTIVE ASSISTANCE" OF Counsel," OR

AVILA V. GALAZA, 297 F3d 911, 920 (9th Cir. 2002) Strategic decisions Are those MADE "Before, NOT AFTER" TAKING THE CHALLENGED ACTION. Counsel can hardly be said to have Made Any sound & Strategic choice "When Counsel has Not Yet obtained The facts on which a Decision can be Effectively MADE."

④

Relief Requested conclusion

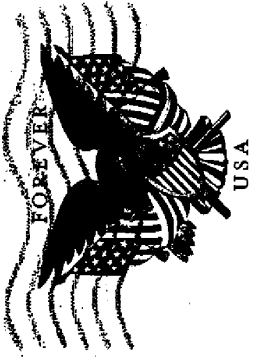
Defendant So Compelled In The Present Pro Per' Pro SE, Moves The Honorable Court To Grant MOTION To DISMISS (With Extreme Prejudice) AND Appoint Other Counsel To Function Good FAITH AND ACCORDING TO THEIR OATH TOWARDS THE STATE BAR ASSOCIATION.

Dated This 20th day of the 4th month of 2019
In the Present Pro Per' Pro SE, I 'defendant SAMMIE
NUNN, OF CASE #C-18-336184-1, upon penalty of
perjury, this is true to the best of my knowledge,
NRS 171.102 (and NRS 208.165)

Sammye Nunn #2751864
330 Casino Center Blvd
Las Vegas, NV 89101

LAS VEGAS NV 890

26 APR 2019 PM 3 L



Steven D Grierson
200 Lewis Ave
3rd floor
Las Vegas, NV 89155

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© USPS 2013

THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT





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

5 *****

6 State of Nevada

Case No.: C-18-336184-1

7 vs

Department 7

8 Sammie Nunn

9
10 **NOTICE OF CHANGE OF HEARING**

11 The hearing on the Motion, presently set for May 14, 2019, has been moved to the 14th day
12 of May, 2019, at 9:00 AM and will be heard by Judge Mary Kay Holthus.
13

14 STEVEN D. GRIERSON, CEO/Clerk of the Court
15 /s/ Irish Lapira

By: _____

16 Irish Lapira
17 Deputy Clerk of the Court
18

19 **CERTIFICATE OF SERVICE**

20
21 I hereby certify that this 1st day of May, 2019

22 ☒ The foregoing Notice of Change of Hearing was electronically served to all registered
23 parties for case number C-18-336184-1.

24 /s/Irish Lapira

25 Irish Lapira
26 Deputy Clerk of the Court
27
28



DISTRICT COURT
CLARK COUNTY, NEVADA

* * * *

STATE OF NEVADA

VS

SAMMIE NUNN

Case No.: C-18-336184-1

DEPARTMENT 18

NOTICE OF DEPARTMENT REASSIGNMENT

NOTICE IS HEREBY GIVEN that the above-entitled action has been reassigned to Judge Mary Kay Holthus.

☒ This reassignment is due to: Automated Bindover Conversion Error

ANY TRIAL DATE AND ASSOCIATED TRIAL HEARINGS STAND BUT MAY BE RESET BY THE NEW DEPARTMENT. PLEASE INCLUDE THE NEW DEPARTMENT NUMBER ON ALL FUTURE FILINGS.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/Allison Behrhorst

Allison Behrhorst,
Deputy Clerk of the Court

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CERTIFICATE OF SERVICE

I hereby certify that this 6th day of May, 2019

- ☒ The foregoing Notice of Department Reassignment was electronically served to all registered parties for case number C-18-336184-1.
- ☒ I mailed, via first-class, postage fully prepaid, the foregoing Clerk of the Court, Notice of Department Reassignment to:
- ☒ I placed a copy of the foregoing Notice of Department Reassignment in the appropriate attorney folder located in the Clerk of the Court's Office:

Steven B Wolfson
Anthony M. Goldstein

/s/Allison Behrhorst
Allison Behrhorst
Deputy Clerk of the Court



1 NNEW
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MEGAN THOMSON
6 Chief Deputy District Attorney
7 Nevada Bar #011002
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 SAMMIE NUNN,
13 #2751864

14 Defendant.

CASE NO: C-18-336184-1

DEPT NO: XVIII

15 STATE'S NOTICE OF WITNESSES
16 [NRS 174.234(1)(a)]

17 TO: SAMMIE NUNN, Defendant; and

18 TO: ANTHONY GOLDSTEIN, ESQ., Counsel of Record:

19 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
20 NEVADA intends to call the following witnesses in its case in chief:


21	<u>NAME</u>	<u>ADDRESS</u>
22	ADAMS, KEITH	LVMPD P#10017
23	ALIDU, PRINCE	C/O DISTRICT ATTORNEY'S OFFICE
24	BUSBY, TRAVIS	LVMPD P#9330
25	CARNELL, CRISTEN	DA INVESTIGATOR AND/OR DESIGNEE
26	CUSTODIAN OF RECORDS	CCDC
27	CUSTODIAN OF RECORDS	LVMPD – DISPATCH/COMMUNICATIONS
28	CUSTODIAN OF RECORDS	LVMPD – RECORDS

1 CUSTODIAN OF RECORDS YOUR STOP LIQUOR
2 CUSTODIAN OF RECORDS SUNRISE HOSPITAL
3 HAWKINS, NICOLETTE LVMPD P#15847
4 HINES, KERICK C/O DISTRICT ATTORNEY'S OFFICE
5 JACKSON, GERALD LVMPD P#13418
6 LEMARBRE, JEFFREY LVMPD P#13382
7 LOBANOFF, ANDREW LVMPD P#15856
8 MILTON, JEROME LVMPD P#16292
9 MITRE, ANDREA LVMPD P#15863
10 MOYER, DENNIS LVMPD P#15734
11 MUKEN, CHARRY C/O DISTRICT ATTORNEY'S OFFICE
12 NORDSTROM, STEPHEN C/O DISTRICT ATTORNEY'S OFFICE
13 PEREZ, FERNANDO LVMPD P#15496
14 SWANGER, JASON LVMPD P#14743
15 VESPERAS, TY LVMPD P#15240
16 ZYGMONT, PAUL LVMPD P#8558

17 These witnesses are in addition to those witnesses endorsed on the Information or
18 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert
19 Witnesses has been filed.

20 STEVEN B. WOLFSON
21 DISTRICT ATTORNEY
22 Nevada Bar #001565


23 BY


24 MEGAN THOMSON
25 Chief Deputy District Attorney
26 Nevada Bar #011002
27
28

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing was made this 23rd day of May, 2019, by Electronic Filing to:

ANTHONY GOLDSTEIN, ESQ.
AMG@AMGLEAL.COM

BY: 
C. CINTOLA
Secretary for the District Attorney's Office

cc/L4

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

JUN 06 2019

BY, Dara Yorke
DARA YORKE, DEPUTY

GPA
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MEGAN THOMSON
Chief Deputy District Attorney
Nevada Bar #011002
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

SAMMIE NUNN,
#2751864

Defendant.

CASE NO: C-18-336184-1

DEPT NO: XVIII

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: **BATTERY WITH USE OF A DEADLY WEAPON**
(Category B Felony - NRS 200.481 - NOC 50223), as more fully alleged in the charging
document attached hereto as Exhibit "1".

My decision to plead guilty is based upon the plea agreement in this case which is as
follows:

**PARTIES STIPULATE TO UNDERLYING
SENTENCE OF 2-5 YEARS IN NDOC**

The State has no opposition to probation. The State will not oppose Defendant's
release on house arrest after entry of guilty plea in District Court.

I agree to the forfeiture of any and all weapons or any interest in any weapons seized
and/or impounded in connection with the instant case and/or any other case negotiated in
whole or in part in conjunction with this plea agreement.

I understand and agree that, if I fail to interview with the Department of Parole and
Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,
by affidavit review, confirms probable cause against me for new criminal charges including

C-18-336184-1
GPA
Guilty Plea Agreement
4840882



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reckless driving or DUI, but excluding minor traffic violations, the State will have the unqualified right to argue for any legal sentence and term of confinement allowable for the crime(s) to which I am pleading guilty, including the use of any prior convictions I may have to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without the possibility of parole, life with the possibility of parole after ten (10) years, or a definite twenty-five (25) year term with the possibility of parole after ten (10) years.

Otherwise I am entitled to receive the benefits of these negotiations as stated in this plea agreement.

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty I admit the facts which support all the elements of the offense(s) to which I now plead as set forth in Exhibit "1".

I understand that as a consequence of my plea of guilty The Court must sentence me to imprisonment in the Nevada Department of Corrections for a minimum term of not less than TWO (2) years and a maximum term of not more than TEN (10) years. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to \$10,000.00. I understand that the law requires me to pay an Administrative Assessment Fee.

I understand that, if appropriate, I will be ordered to make restitution to the victim of the offense(s) to which I am pleading guilty and to the victim of any related offense which is being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State of Nevada for any expenses related to my extradition, if any.

I understand that I am eligible for probation for the offense to which I am pleading guilty. I understand that, except as otherwise provided by statute, the question of whether I receive probation is in the discretion of the sentencing judge.

I understand that I must submit to blood and/or saliva tests under the Direction of the Division of Parole and Probation to determine genetic markers and/or secretor status.

I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home, Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or

1 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation
2 and may receive a higher sentencing range.

3 I understand that if more than one sentence of imprisonment is imposed and I am
4 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
5 the sentences served concurrently or consecutively.

6 I understand that information regarding charges not filed, dismissed charges, or charges
7 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

8 I have not been promised or guaranteed any particular sentence by anyone. I know that
9 my sentence is to be determined by the Court within the limits prescribed by statute.

10 I understand that if my attorney or the State of Nevada or both recommend any specific
11 punishment to the Court, the Court is not obligated to accept the recommendation.

12 I understand that if the offense(s) to which I am pleading guilty was committed while I
13 was incarcerated on another charge or while I was on probation or parole that I am not eligible
14 for credit for time served toward the instant offense(s).

15 I understand that if I am not a United States citizen, any criminal conviction will likely
16 result in serious negative immigration consequences including but not limited to:

- 17 1. The removal from the United States through deportation;
- 18 2. An inability to reenter the United States;
- 19 3. The inability to gain United States citizenship or legal residency;
- 20 4. An inability to renew and/or retain any legal residency status; and/or
- 21 5. An indeterminate term of confinement, with the United States Federal
22 Government based on my conviction and immigration status.

23 Regardless of what I have been told by any attorney, no one can promise me that this
24 conviction will not result in negative immigration consequences and/or impact my ability to
25 become a United States citizen and/or a legal resident.

26 I understand that the Division of Parole and Probation will prepare a report for the
27 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
28 sentencing, including my criminal history. This report may contain hearsay information

1 regarding my background and criminal history. My attorney and I will each have the
2 opportunity to comment on the information contained in the report at the time of sentencing.
3 Unless the District Attorney has specifically agreed otherwise, the District Attorney may also
4 comment on this report.

5 WAIVER OF RIGHTS

6 By entering my plea of guilty, I understand that I am waiving and forever giving up the
7 following rights and privileges:

- 8 1. The constitutional privilege against self-incrimination, including the right
9 to refuse to testify at trial, in which event the prosecution would not be
10 allowed to comment to the jury about my refusal to testify.
- 11 2. The constitutional right to a speedy and public trial by an impartial jury,
12 free of excessive pretrial publicity prejudicial to the defense, at which
13 trial I would be entitled to the assistance of an attorney, either appointed
14 or retained. At trial the State would bear the burden of proving beyond
15 a reasonable doubt each element of the offense(s) charged.
- 16 3. The constitutional right to confront and cross-examine any witnesses who
17 would testify against me.
- 18 4. The constitutional right to subpoena witnesses to testify on my behalf.
- 19 5. The constitutional right to testify in my own defense.
- 20 6. The right to appeal the conviction with the assistance of an attorney,
21 either appointed or retained, unless specifically reserved in writing and
22 agreed upon as provided in NRS 174.035(3). I understand this means I
23 am unconditionally waiving my right to a direct appeal of this conviction,
24 including any challenge based upon reasonable constitutional,
25 jurisdictional or other grounds that challenge the legality of the
26 proceedings as stated in NRS 177.015(4). However, I remain free to
27 challenge my conviction through other post-conviction remedies
28 including a habeas corpus petition pursuant to NRS Chapter 34.

22 VOLUNTARINESS OF PLEA

23 I have discussed the elements of all of the original charge(s) against me with my
24 attorney and I understand the nature of the charge(s) against me.

25 I understand that the State would have to prove each element of the charge(s) against
26 me at trial.

27 I have discussed with my attorney any possible defenses, defense strategies and
28 circumstances which might be in my favor.

1 All of the foregoing elements, consequences, rights, and waiver of rights have been
2 thoroughly explained to me by my attorney.

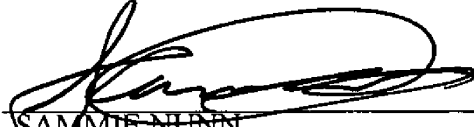
3 I believe that pleading guilty and accepting this plea bargain is in my best interest, and
4 that a trial would be contrary to my best interest.

5 I am signing this agreement voluntarily, after consultation with my attorney, and I am
6 not acting under duress or coercion or by virtue of any promises of leniency, except for those
7 set forth in this agreement.


8 I am not now under the influence of any intoxicating liquor, a controlled substance or
9 other drug which would in any manner impair my ability to comprehend or understand this
10 agreement or the proceedings surrounding my entry of this plea.

11 My attorney has answered all my questions regarding this guilty plea agreement and its
12 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

13 DATED this 6 day of ^{June} May, 2019.

14
15 
16 SAMMIE NUNN
Defendant

17 AGREED TO BY:

18 
19
20 MEGAN THOMSON
Chief Deputy District Attorney
21 Nevada Bar #011002
22
23
24
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1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court
3 hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.
8 3. I have inquired of Defendant facts concerning Defendant's immigration status
9 and explained to Defendant that if Defendant is not a United States citizen any
10 criminal conviction will most likely result in serious negative immigration
11 consequences including but not limited to:
12 a. The removal from the United States through deportation;
13 b. An inability to reenter the United States;
14 c. The inability to gain United States citizenship or legal residency;
15 d. An inability to renew and/or retain any legal residency status; and/or
16 e. An indeterminate term of confinement, by with United States Federal
17 Government based on the conviction and immigration status.

18 Moreover, I have explained that regardless of what Defendant may have been
19 told by any attorney, no one can promise Defendant that this conviction will not
20 result in negative immigration consequences and/or impact Defendant's ability
21 to become a United States citizen and/or legal resident.

- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are
23 consistent with the facts known to me and are made with my advice to the
24 Defendant.
25 5. To the best of my knowledge and belief, the Defendant:
26 a. Is competent and understands the charges and the consequences of
27 pleading guilty as provided in this agreement,
28 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily, and
c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant as
certified in paragraphs 1 and 2 above.

Dated: This 6th day of May, 2019.

JUNE


DEFENSE ATT.

7721

cc/L4

1 **AIND**

2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MEGAN THOMSON
6 Chief Deputy District Attorney
7 Nevada Bar #011002
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 SAMMIE NUNN,
13 #2751864

14 Defendant.

CASE NO. C-18-336184-1

DEPT NO. XVIII

AMENDED
INDICTMENT

15 STATE OF NEVADA }
16 COUNTY OF CLARK } ss:

17 The Defendant(s) above named, SAMMIE NUNN, is accused by the Clark
18 County Grand Jury of the crime of **BATTERY WITH USE OF A DEADLY**
19 **WEAPON (Category B Felony - NRS 200.481 - NOC 50223)**, committed at and
20 within the County of Clark, State of Nevada, on or between the May 27, 2018 and
21 June 3, 2018, as follows: did willfully, unlawfully, and feloniously use force or
22 violence upon the person of another, to wit: PRINCE ALIDU, with use of a deadly
23 weapon, to wit: a firearm and/or a 12 inch pair of pliers, by hitting said PRINCE

24 ///

25 ///

26 ///

27 ///


28 ///

EXHIBIT "1"

1 ALIDU in the head with said firearm and/or by striking said PRINCE ALIDU with
2 said 12 inch pair of pliers
3

4 STEVEN B. WOLFSON
5 Clark County District Attorney
6 Nevada Bar #001565

7 BY


8 MEGAN THOMSON
9 Chief Deputy District Attorney
10 Nevada Bar #011002
11
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26 18F11438X/cc/L4
27 LVMPD EVENT #180602004287
28 (TK3)



1 **JOC**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 200 Lewis Avenue
6 Las Vegas, Nevada 89155-2212
7 (702) 671-2500
8 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 SAMMIE NUNN,
13 #2751864

14 Defendant.

CASE NO: C-18-336184-1

DEPT NO: XVIII

**JUDGMENT OF CONVICTION
(PLEA OF GUILTY)**

15 The defendant previously appeared before the Court with counsel and entered a plea
16 of guilty to the crime(s) of BATTERY WITH USE OF A DEADLY WEAPON (Category B
17 Felony), in violation of NRS 200.481; thereafter, on the 11th day of June, 2019, the
18 defendant was present in court for sentencing with his counsel, ANTHONY GOLDSTEIN,
19 ESQ., and good cause appearing,

20 THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offense(s) and, in
21 addition to the \$25.00 Administrative Assessment Fee, \$3.00 DNA Collection fee, the
22 \$150.00 DNA Analysis Fee, including testing to determine genetic markers, and to pay
23 RESTITUTION, the defendant was sentenced as follows: to a MAXIMUM of ONE
24 HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY-EIGHT (48)
25 MONTHS

26 ///

27 ///

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(NUNN_SAMMIE)-001.DOCX

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2 ///

3 in the Nevada Department of Corrections (NDC); SUSPENDED; placed on PROBATION
4 for an indeterminate period not to exceed FIVE (5) YEARS.

5 COURT FURTHER ORDERED, Deft. to be placed on House arrest.

6 STANDARD CONDITIONS:

7 1. Reporting: You are to report in person to the Division of Parole and
8 Probation (P&P) as instructed by the Division or its agent. You are required to submit a
9 written report each month on forms supplied by the Division. This report shall be true and
10 correct in all respects.

11 2. Residence: You shall not change your place of residence without first
12 obtaining permission from P&P, in each instance.

13 3. Intoxicants: You shall not consume any alcoholic beverages whatsoever.
14 Upon order of P&P or its agent, you shall submit to a medically recognized test for
15 blood/breath alcohol content. Test results of .08 blood alcohol content or higher shall be
16 sufficient proof of excess.

17 4. Controlled Substances: You shall not use, purchase or possess any illegal
18 drugs, or any prescription drugs, unless first prescribed by a licensed medical professional.
19 You shall immediately notify P&P of any prescription received. You shall submit to drug
20 testing as required by the Division or its agent.

21 5. Weapons: You shall not possess, have access to, or have under your control,
22 any type of weapon.

23 6. Search: You shall submit your person, property (including cellular phones
24 and / or computers), place of residence, vehicle or areas under your control to search at any
25 time, with or without a search warrant or warrant of arrest, for evidence of a crime or
26 violation of probation by P&P or its agent.

1 7. Associates: You must have prior approval by P&P to associate with any
2 person convicted of a felony, or any person on probation or parole supervision. You shall not
3 have any contact with persons confined in a correctional institution unless specific written
4 permission has been granted by the Division and the correctional institution.

5 8. Directives and Conduct: You shall follow the directives of P&P and your
6 conduct shall justify the opportunity granted to you by this community supervision.

7 9. Laws: You shall comply with all municipal, county, state, and federal laws
8 and ordinances.

9 10. Out-of-State Travel: You shall not leave the state without first obtaining
10 written permission from P&P.

11 11. Employment/Program: You shall seek and maintain legal employment, or
12 maintain a program approved by P&P and not change such employment or program without
13 first obtaining permission. All terminations of employment or program shall be immediately
14 reported to the Division.

15 12. Financial Obligation: You shall pay fees, fines, and restitution on a
16 schedule approved by P&P. Any excess monies paid will be applied to any other outstanding
17 fees, fines, and/or restitution, even if it is discovered after your discharge.

18 SPECIAL CONDITIONS:

19 1. Deft. shall submit digital storage media or any digital storage media that you
20 have access or use, including computers, handheld communication devices and any network
21 applications associated with those devices, including social media and remote storage
22 services to a search and shall provide all passwords, unlock codes and account information
23 associated with those items, with or without a search warrant, by the Division of Parole and
24 Probation or its agent.

25 2. Deft. to only be released to Parole and Probation and transported to One Day
26 at a Time Program.

1 3. Deft. to remain on House Arrest until interstate compact to California to live
2 with his mother.

3 4. Complete mental health evaluation.

4 5. Consume any medication required.

5 6. Abide by any curfew imposed.

6 7. Maintain full-time employment, schooling or 16 hours community service a
7 month.

8 8. No contact with victim.

9 9. Deft. to pay RESTITUTION in the amount of \$22,042.00 to Prince Alidu.

10 DATED this 20 day of June, 2019.

11 
12 DISTRICT JUDGE py

petitioner/ pro se
330 E. Casino Center Blvd
Las Vegas, NV 89101

District Court
Clark County, Nevada

FILED

JUL 15 2019

7

Sammie Nunn
Petitioner

John L. Williams
CLERK OF COURT

v.s.

CASE NO: C-18-336184-1

STATE OF NEVADA

DEPT NO:

August 6, 2019
9:00 AM

Respondant

DOCKET:

PA
FOR
Anthony Goldstein

MOTION TO DISMISS COUNCIL
AND APPOINT ALTERNATE COUNCIL

Comes now, the defendant, SAMMIE NUNN #2751864
and moves this Honorable Court to Dismiss Council,
Anthony Goldstein, and appoint alternate council to
represent the defendant.

THIS MOTION IS MADE AND BASED UPON ALL THE PAPERS
LEADINGS AND DOCUMENTS ON FILE ALL ORAL ARGUMENTS
THE DEFENDANT MAY BE ASKED TO ADDUCE AT THE HEARING ON
THIS MATTER ALL FACTUAL STATEMENTS ARE SET FORTH IN THE
POINTS AND AUTHORITIES CONTAINED HEREIN.

DATED THIS July DAY OF 7th 2019

RECEIVED

JUL 15 2019

CLERK OF THE COURT

~~X~~
X SAMMIE NUNN
DEFENDANT

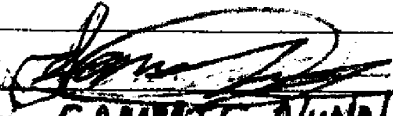
1

NOTICE OF MOTION

TO: THE STATE OF NEVADA PLAINTIFF: AND
STEVEN B. WOLFSON CLERK COUNTY DISTRICT ATTNEY

PLEASE TAKE NOTICE THAT THE UNDERSIGNED WILL BRING
THE ABOVE AND FOREGOING MOTION TO DISMISS
COUNCEL ON THE _____ DAY OF _____ 2019 AT THE
HOUR OF _____ A.M IN THE ABOVE ENTITLED COURT
AS SOON THEREAFTER AS THE DEFENDANT MAY BE HEARD.

DATED THIS DAY JULY OF 7th 2019


SAMMIE NUNN
DEFENDANT

I. POINTS AND AUTHORITIES

A. STATEMENT OF THE CASE...

DEFENDANT SAMMIE NUNN #2751864 By AND THROUGH HIS APPOINTED COUNSEL OF RECORD ANTHONY GOLDSTIEN MOVE THIS HONORABLE COURT TO DISMISS ANTHONY GOLDSTIEN AS COUNSEL AND APPOINT ALTERNATE COUNSEL DUE TO ANTHONY GOLDSTIEN CLAIMING HE DOES NOT WANT TO WORK THIS CASE ANY LONGER AND THAT ANY FURTHER MOTION TO WITHDRAW PLEA AGREEMENT SHOULD BE DONE WITH ALTERNATE COUNSEL. ANTHONY GOLDSTIEN DID NOT INVESTIGATE THE CASE OR THE TWO WITNESSES WHO CAME FORWARD, ENDALKACHEW MEKONNEN 702-881-9293 EYE WITNESS WHO WORKS AT THE YOURSTOP LIQUOR STORE WHERE INCIDENT TOOK PLACE 820 E. TWAIN BLVD LAS VEGAS, NV 89169 AND OTHER EYE WITNESS KERICK HINES 702-439-8803 WHO WAS WITH PRINKE THE SECOND NIGHT I WAS ATTACKED KERICK HINES ALSO HAS RECENTLY MADE A NEW DEPOSITION CONFIRMING HIM AND PRINCE ALIDU ATTACKING ME FIRST AND ME RUNNING FOR MY LIFE, THE VIDEO IS NOW UPLOADED TO FACEBOOK AND DOWNLOADED TO MY PHONE ON MY PROPERTY AND IS CONSIDERED NEW EVIDENCE. BOTH WITNESSES HAVE COME FORWARD. ANTHONY GOLDSTIEN HAS NOT BROUGHT THEM FORWARD AND HAS FAILED TO DO ANY INVESTIGATIVE WORK IN THIS CASE RESULTING IN ME GETTING MY VI AMMENDMENT OF THE U.S. CONSTITUTION VIOLATED, MY RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL

DEFENDANT IS COMPELLED TO SUBMIT THE INSTANT MOTION ON THE GROUNDS THAT HE HAS ATTEMPTED TO RESOLVE THE ISSUES OUTLINED IN THIS MOTION HOWEVER ANY RESOLUTION HAS BEEN FRUITLESS. MOREOVER, COUNCILS NEGLECT AND LACK OF COMMUNICATION HAS CREATED IRRECONCILABLE DIFFERENCES THAT HAVE COLLAPSED THE ATTORNEY/CLIENT RELATIONSHIP.

B. PROCEDURAL BACKGROUND

IT IS RESPECTFULLY REQUESTED OF THIS COURT TO GRANT THIS MOTION TO DISMISS COUNCIL AND APPOINT NEW COUNCIL FOR THE FOLLOWING REASONS:

SINCE ANTHONY GOLDSTEIN HAS BEEN APPOINTED DEFENDANT SAMMIE NUNN #2751864 HAS BEEN PREJUDICED AND HAS SUFFERED A MANIFEST INJUSTICE BASED ON COUNCIL'S REFUSAL AND FAILURE TO FILE MOTION TO WITHDRAW PLEA BARGAIN AND:

- 1) LOCATE AND INTERVIEW EYE WITNESSES.
- 2) CONDUCT ROUTINE CONTACT VISITS
- 3) SUBMIT PRETRIAL MOTIONS IN A TIMELY MANNER.
- 4) REQUEST AND SECURE EXCULPATORY MATERIALS
- 5) GET ALL CLEAR AND CONVINCING EVIDENCE FOR AQUITTA

II ARGUMENT

BY NOT CONDUCTING INTERVIEWS WITH POTENTIAL WITNESSES THAT COULD FORM THE BASIS OF A LEGAL DEFENSE, AND ASKED COUNCIL TO TAKE PROACTIVE STEPS

TO FILING MOTIONS TO INTRODUCE EVIDENCE PURSUANT TO THE NEVADA SUPREME COURT'S RECENT DECISION IN LOBATO V. STATE 120 NEV. 512) EXTRINSIC EVIDENCE OF AN ACCUSER'S MOTIVE TO TESTIFY IN A CERTAIN WAY IS RELEVANT FOR THE PURPOSE OF IMPEACHING THE WITNESSES' CREDIBILITY SO LONG AS IT IS NOT COLLATERAL TO THE CONTROVERSY AT HAND. ITS THE DEFENDANT'S BELIEF THAT THIS EVIDENCE COULD ELIMINATE THE NEED FOR A TRIAL. COUNSEL'S FAILURE TO INTERVIEW EYE WITNESSES OR SPEND ADEQUATE TIME IN LEGAL RESEARCH HAS DENIED THE DEFENDANT OF EFFECTIVE ASSISTANCE OF COUNSEL AS GUARANTEED BY THE 6TH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES; AND ARTICLE 1 SECTION 8 OF THE NEVADA CONSTITUTION.) IN BUFFALO V. STATE, 111 NEV. 1139 (1995), ALTHOUGH THE NEVADA SUPREME COURT ADOPTED NEITHER OF THE PARTICULAR VERSION OF THE FACTS BY EITHER THE DEFENSE OR THE PROSECUTION, IT CONCLUDED THAT MR. BUFFALO WAS NOT ADEQUATELY DEFENDED IN A CASE IN WHICH THE JURY HEARD "ONLY THE BAD NEWS AND NONE OF THE POSSIBLE GOOD NEWS." DEFENDANT ~~TO~~ NUNN CONTENDS THAT COUNSEL'S FAILURE TO INVESTIGATE LEADS OR TO CALL OR INTERVIEW WITNESSES WILL INEVITABLY LEAD TO A SIMILAR OUTCOME IN THE INSTANT CASE. AS A RESULT, THE COMPLETE COLLAPSE OF THE ATTORNEY/CLIENT RELATIONSHIP HAS OCCURED. SINCE I BELIEVE I HAVE MET THE CRITERIA FOR SUBSTITUTION OF COUNSEL WITH THE THREE FACTORS

(5)

ENUNCIATED BY THE NINTH CIRCUIT IN (UNITED STATES V. MOORE 154 F. 3d 1154) A REFUSAL TO SUBSTITUTE COUNSEL WOULD VIOLATE DEFENDANT NUNNS 6TH AMENDMENT RIGHT (YOUNG V. STATE 120 NEV 963 (2024))

CONCLUSION

A PARTY WHO IS UNABLE TO PROVIDE EFFECTIVE OR ADEQUATE ASSISTANCE IS NO BETTER THAN ONE WHO HAS NO COUNSEL AT ALL, AND ANY APPEALS WOULD BE FUTILE IN ITS ~~GO~~ GESTURE. EVITTS V. LUCEY. 105 S. CT 830 (1985)

WHEREFORE FUNDAMENTAL FAIRNESS REQUIRES THE ABOLITION OF THE PREJUDICE WHICH THE DEFENDANT IS PRESENTLY SUFFERING, MR, NUNN, RESPECTFULLY PRAYS THAT THIS HONORABLE COURT GRANT THIS MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATE COUNSEL, TO BRING TO LIGHT THIS NEW EXISTING EVIDENCE WHICH WILL EXONERATE THE DEFENDANT. THERE IS A CLEAR INDICATION IN THIS NEW EVIDENCE THAT THE DEFENDANT IS NOT GUILTY AND THERE ARE NEW WITNESSES WILLING TO BE SUBPOENAED TO COURT, ENDALKACHEW MEKONNEN AKA BROOK, AND KERICK HINES. WITH THIS CLEAR INDICATION THAT THE DEFENDANT IS NOT GUILTY, ANY GUILTY PLEA WOULD BE CONSIDERED INVOLUNTARY AND NOT TRUTHFUL AND NOT IN COMPLIANCE WITH LAW.

⑥

BASED ON THE FACT THAT A LAWYER SHALL NOT ENGAGE IN CONDUCT PREJUDICIAL TO THE HONEST ADMINISTRATION OF JUSTICE, AND THE FACT THAT THE TRIAL COURT DID NOT EXERSE THIER CONSTITUTIONAL DUTY TO CONDUCT AN INQUIRY SUFFICIENT ENOUGH ~~TO~~ TO DETERMINE THE TRUTH AND SCOPE OF THE DEFENDANTS ALLEGATIONS OF COUNSELS "DEFICIENT PERFORMANCE" 466 U.S. at 691-96. THE DEFENDANT HAS SHOWN A REAL REASONABLE PROBABILITY THAT, BUT FOR COUNSELS ALLEGED UNPROFESSIONAL ERRORS, THE RESULT WOULD HAVE BEEN DIFFERENT. (NELSON) THE COURT WILL REMAND WHEN THE DEFENDANT HAS MADE A PRE TRIAL REQUEST FOR NEW COUNSEL IMMEDIATELY BEFORE TRIAL BUT NO INQUIRY HAS BEEN MADE, AND THUS THERE IS NO BASIS ON WHICH TO DETERMINE WHETHER THE CLAIM MAY HAVE MERIT. A DEFENDANT NEED NOT SHOW PREJUDICE WHEN THE BREAKDOWN OF A REALATIONSHIP BETWEEN ATTORNEY AND CLIENT FROM IRRECONCILABLE DIFFERENCES RESULTS IN THE COMPLETE DENIAL OF COUNSEL, ATTORNEY VERBALLY ASSAULTED CLIENT WITH MENTAL HEALTH EPITHETS (FRAZER, 18 F.3d at 785), ATTORNEY-CLIENT RELATIONSHIP SO BAD THAT DEFENDANT ELECTED TO PROCEED PRO SE. ALTHOUGH NUNN IS NOT ENTITLED TO A PARTICULAR LAWYER WITH WHOM HE CAN, IN HIS VIEW, HAVE A "MEANINGFUL ATTORNEY-CLIENT RELATIONSHIP" (MORRIS V. SLAPPY, 461 U.S. 1, 3-4, 75 L. Ed. 2d 610, 103 S. CT. 1610 (1983)) IF THE RELATIONSHIP BETWEEN LAWYER AND CLIENT COMPLETELY COLLAPSES, THE

REFUSAL TO SUBSTITUTE NEW COUNSEL VIOLATES NUNN'S SIXTH AMENDMENT RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL, (BROWN V. CRAVEN, 424 F.2d 1166, 1170 (9th Cir. 1970)). THE DEFENDANT ALSO DOESN'T UNDERSTAND THE EXACT CHARGE HE PLEADED GUILTY TO, THERE WERE TWO CHARGES AND TWO DATES, BATTERY WITH THE USE OF DEADLY WEAPON WITH SUBSTANTIAL BODILY HARM MAY 29, 2019, AND BATTERY WITH USE OF DEADLY WEAPON JUNE 2nd 2019, THE PLEA AGREEMENT STATED BATTERY WITH USE OF DEADLY WEAPON BETWEEN MAY 29th 2019, AND JUNE 2nd 2019, DID THE MAY 29th 2019 GET DROPPED TO A LESSOR CHARGE OR DID IT GET DROPPED COMPLETELY. THE DEFENDANT DESERVES A SPECIFIC PLEA DEAL THAT OUTLINES THESE DETAILS. FURTHERMORE BY ATTORNEY ANTHONY GOLDSTIEN TELLING THE JUDGE THAT WHEN NUNN PURSUES A MOTION TO WITHDRAW PLEA DEAL, EVEN WITH GOOD REASONS, NUNN WILL NEED TO CONSULT WITH ALTERNATE COUNSEL PROVES NUNN NEEDS ALTERNATE COUNSEL. IT ALSO PROVES GOLDSTIEN'S UNWILLINGNESS TO FILE MOTIONS ON DEFENDANT'S REQUEST. THE CONTACT NUMBERS ARE FOR THE WITNESSES AND VICTIMS AND PROVE THAT THEY ARE ONLY A PHONE CALL AWAY TO SET UP AN INTERVIEW, BUT STILL NO INTERVIEWS WERE SET, NO PRIVATE INVESTIGATOR WAS HIRED AND THERE WAS NO EFFORT USED TO SOLVE CASE OR PROVE DEFENDANT'S INNOCENCE. ALSO, THE JUDGE AGREED TO USE A PRE SENTENCE

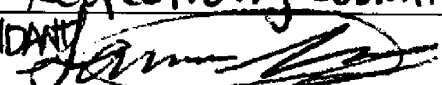
INVESTIGATION REPORT (PSI) FROM OCTOBER, WAY BEFORE THERE WAS A GRAND JURY INDICTMENT, AND THERE WAS ALSO MORE CHARGES ADDED SINCE AND ALSO CHARGES DROPPED, BUT WHAT IS MORE IMPORTANT IS THE DEFENDANT TAKING THE DEAL IN JUNE, WAS SUCCESSFULLY A YEAR AWAY FROM VIOLENCE, WHICH CHANGES HIS POINT SCALE AND OUTLOOK FROM PROBATION AND PAROLE. THE DEFENDANT ALSO DID NOT HAVE A BAIL, EVEN SOMEONE WITH A MURDER CHARGE HAS BAIL, THE DEFENDANT HAS NOT HARMED ANYONE AND HAS NOT THREATENED ANYONE AND HAS NOT SHOWN ANY SIGNS OF BEING A DANGER TO THE COMMUNITY. WE CANNOT ASSUME, WE HAVE TO BE SURE, THIS IS WHY WE HAVE THE COURT SYSTEM. NOT GIVING A REASONABLE BAIL FOR CRIMES THAT HAVN'T RESULTED IN ANY FAIR CONVICTIONS, OR HAVE NOT BEEN FILED ON TO COME BEFORE THE JUDICIAL COURT SYSTEM IS CRUEL AND UNUSUAL PUNISHMENT AND ALSO IF THE THREAT WAS NOT MADE DIRECTLY, IT CONSTITUTES AS HEARSAY, IN ORDER FOR THE STATE TO TAKE THE DEFENDANTS BAIL FOR A STATEMENT ALLEGEDLY HEARD OUT OF COURT, THE STATEMENT WOULD HAVE TO BE PROVEN TRUE, WHICH GOES BEYOND THE HEARSAY RULES APPLICATION. THE HEARSAY RULE APPLICATION IS ONLY USED TO PROVE THE STATEMENT WAS SAID BUT NOT TO PROVE IF THE STATEMENT WAS TRUE, ESPECIALLY WITHOUT

(9)

ANY CONSTITUTIONAL GUARANTEE OF CONFRONTATIONAL CROSS EXAMINATION. BY NOT GIVING DEFENDANT NUNN HIS RIGHT TO DUE PROCESS, THE STATE HAS NEGLECTED NUNN'S EIGHTH AMENDMENT RIGHT BY DENYING HIM BAIL WHICH IS CRUEL AND UNUSUAL PUNISHMENT. ALSO VIOLATING NUNN'S FOURTEENTH AMENDMENT WHICH PROTECTS ALL PERSONS FROM STATE LAWS THAT ATTEMPT TO DEPRIVE THEM OF "LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW," OR THAT ATTEMPT TO DENY THEM EQUAL PROTECTION OF THE LAWS. PRINCE ALIDU ALSO CLAIMS THAT HIS TRIP TO THE HOSPITAL IN AN AMBULANCE COST HIM \$24,000.00 IN WHICH THE COURT FINED THE DEFENDANT EVEN AFTER BEING \$4,000 ABOVE WHAT IS PERMISSABLE BY NEVADA LAW FOR THIS CRIME AND LEVEL OF PUNISHMENT, THE FINE IS UNREASONABLY EXCESSIVE AND HAS NOT BEEN DILIGENTLY PROVEN TO BE THE ACTUAL COST, FURTHERMORE MR. PRINCE ALIDU IS KNOWN TO BE ON SOCIAL SECURITY AND MEDICARE AND IS NOT COMING OUT OF POCKET FOR ANY MEDICAL EXPENSE, WHICH IS FRAUD!!! HE CLAIMED KERICK HINES IS HIS BEST FRIEND IN THE GRAND JURY INDICTMENT TRANSCRIPTS, KERICK HINES IS NOW ON THE INTERNET CLAIMING THE CHARGES ~~AGAINST~~ AGAINST THE DEFENDANT WERE MADE WHEN PRINCE WAS DRUNK!!! DO WE NOT BELIEVE HIS BEST FRIEND, THERE IS A CLEAR ATTEMPT TO DENY THE DEFENDANT EQUAL PROTECTION OF THE LAWS. PERJURY

IS A FELONY, A CLASS D FELONY, ALLOWING PRINCE ALIDU TO LIVE ABOVE THE LAW AND DENYING NUNN HIS 14th AMENDMENT RIGHT TO EQUAL PROTECTION OF THE LAWS UNDERMINES THE DUTY OF THE COURT SYSTEM, WHEN KERICK HINES STATES THAT THEY WALKED UP TO THE DEFENDANT, & THE DEFENDANT TOOK OFF RUNNING HOME BECAUSE THE DEFENDANT WAS AFRAID OF BEING JUMPED (BEATEN) BY THE TWO INDIVIDUALS KERICK HINES AND PRINCE ALIDU. KERICK CLAIMS HE YELLED FOR NUNN TO STOP, BUT NUNN RAN ALL THE WAY HOME AND LOCKED THE DOOR, KERICK HINES CLAIMS HE FOLLOWED NUNN HOME AND NUNN WOULD NOT OPEN THE DOOR, NUNN IS CLEARLY THE VICTIM. THIS WAS JUNE 2nd 2018, AND IS NOW ON SOCIAL MEDIA. ON MAY 29th 2018 ENDALKACHEW MEKONNEN WAS AN EYE WITNESS TO PRINCE CHASING NUNN AROUND YOUR STOP LIQUOR STORE, WHEN NUNN TRYED TO GO HOME PRINCE ALIDU GRABBED NUNN AND NUNN DEFENDED HIMSELF, ENDALKACHEW MEKONNEN ALSO GOES BY THE NAME BROOK, AND WORKS NIGHTS AT YOUR STOP LIQUOR STORE AT 820 E. TWAIN BLVD LAS VEGAS NV 89169, PHONE NUMBER (702)-881-9293, KERICK HINES (702)-439-8803.

DATED THIS 7th DAY OF JULY, 2019.

I, SAMMIE NUNN, do solemnly swear, under penalty of perjury, that the above MOTION TO DISMISS COUNSEL is accurate, correct and true to the best of my knowledge. Respectfully Submitted
NRS.171.102 and NRS 208.165 (1) DEFENDANT 

UNITED STATES POSTAL SERVICE
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Las Vegas, NV 89101

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Las Vegas NV 89155

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Steven D. Grierson

1 Sammie L Nunn III
2 330 S. CASINO Center BLVD
3 Las Vegas, NV 89101
4

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

8 THE STATE OF NEVADA

9 Plaintiff

CASE NO. C-18-336184-1

10 V.

DEPT. NO. XVIII

11 SAMMIE L. NUNN III

INEFFECTIVE ASSISTANCE OF COUNSEL - ANTHONY GOLDSTEIN

12 DEFENDANT

DATE OF MOTION TO DISMISS COUNSEL: MAY 20, 2019

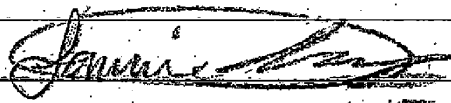
13 TRIAL SET FOR: JUNE 17 2019
14

15 NOTICE OF APPEAL

16 NOTICE IS HEREBY GIVEN THAT SAMMIE LEE NUNN III, DEFENDANT, ABOVE NAMED, HEREBY
17 APPEALS TO THE SUPREME COURT OF NEVADA FROM THE EIGHTH JUDICIAL DISTRICT
18 COURT DENIAL OF MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATE COUNSEL FOR
19 FAILURE TO PROPERLY INVESTIGATE CASE, FAILURE TO HIRE PRIVATE INVESTIGATOR,
20 FAILURE TO GET GRAND JURY INDICTMENT HEARD FOR DISMISSAL PURSUANT TO NRS 172.107
21 SINCE DEFENDANT WAS ALREADY SERVED AN INFORMATION AND THE GRAND JURY WAS ONLY
22 SUMMONED FOR TESTIMONIAL EVIDENCE TO ASSIST IN THE PROSECUTION. FAILURE TO
23 INTERVIEW WITNESSES "ENDALKACHEW MEKONNEN" ALSO KNOWN AS BROOK
24 (702) 881-9293 AT PLACE OF WORK "YOUR STOP LIQUOR STORE", 820 E. TWAIN BLVD
25 LAS VEGAS, NV 89101, OR KERICK HINES (702) 439-8803, DENYING DEFENDANT
26 COMPULSORY PROCESS TO COMPETENT MATERIAL EYE WITNESSES, FAILURE TO
27 ADDRESS \$0 BAIL SITUATION AND RIGHT TO DUE PROCESS FOR ANY COMPLAINT,
28 RENDERING A PLATFORM FOR CRIMINAL COERCION AND CRUEL AND UNUSUAL PUNISHMENT.

1
2 FAILURE TO BE PREPARED FOR SPEEDY TRIAL CONDUCTED ACCORDING TO PREVAILING
3 RULES, REGULATIONS AND PROCEEDINGS OF LAW, FREE FROM ARBITRARY, VEXATIOUS OR
4 OPPRESSIVE DELAYS. THE FACT THAT ANTHONY GOLDSTIEN DIDN'T INTERVIEW
5 ANYONE, DIDN'T HIRE A PRIVATE INVESTIGATOR, FAILED TO FILE ANY OPPOSING
6 MOTIONS, AND FAILED TO ADDRESS BAIL RENDERED HIM UNPREPARED FOR
7 TRIAL MAKING HIM VIOLATE MY RIGHT TO SPEEDY TRIAL FREE FROM ARBITRARY,
8 VEXATIOUS OR OPPRESSIVE DELAYS, MY 1, 5, 6, 8, AND 14 AMENDMENTS HAVE
9 BEEN VIOLATED.
10

11 Said Declaration Made subject to the penalty of perjury.
12

13 
14 DEFENDANT
15

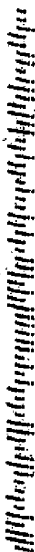
16 SAMMIE NUNNI
17 PRINTED NAME
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28

SAMMIE NUNN #2751864
ECDC
330 S. CASINO CENTER BLVD
LAS VEGAS, NV 89101



EIGHTH JUDICIAL DISTRICT COURT
200 LEWIS AVE
3RD FLOOR
LAS VEGAS, NV 89155

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

STATE OF NEVADA,

Plaintiff(s),

vs.

SAMMIE NUNN,

Defendant(s),

Case No: C-18-336184-1

Dept No: XVIII

CASE APPEAL STATEMENT

1. Appellant(s): Sammie Nunn

2. Judge: Mary Kay Holthus

3. Appellant(s): Sammie Nunn

Counsel:

Sammie Nunn #2751864
330 S. Casino Center Blvd.
Las Vegas, NV 89101

4. Respondent: The State of Nevada

Counsel:

Steven B. Wolfson, District Attorney
200 Lewis Ave.
Las Vegas, NV 89101

(702) 671-2700

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

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

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

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

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: November 14, 2018

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

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

Dated This 17 day of July 2019.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

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

cc: Sammie Nunn

Steven D. Grierson

1 **ORDER**

2 Anthony M. Goldstein, Esq. (Nevada Bar #7721)

3 **LAW OFFICES OF ANTHONY M. GOLDSTEIN**

4 2421 Tech Center Court

5 Suite 100

6 Las Vegas, Nevada 89128

7 Phone: (702) 796-1114

8 Fax: (702) 796-1115

9 **ATTORNEY FOR DEFENDANT**

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 STATE OF NEVADA,

13 Plaintiff,

14 vs.

15 SAMMIE NUNN (#2751864),

16 Defendant.

) Case #: C-18-336184-1

) Dept. : XVIII

) **ORDER TO PROVIDE CELLULAR**
) **TELEPHONE(S) FROM INMATE'S**
) **PROPERTY TO**
) **ANTHONY M. GOLDSTEIN, ESQ.**

17 ORDER TO PROVIDE CELLULAR TELEPHONE(S) FROM INMATE'S PROPERTY TO

18 ANTHONY M. GOLDSTEIN, ESQ.

19 ///

20 ///

1 With the Court's finding good cause appearing, the Court
2 hereby orders the Sheriff of Clark County, Nevada and/or the
3 Clark County Detention Center to provide any and all cellular
4 telephones that are currently in the property of Clark County
5 Detention Center inmate SAMMIE NUNN (ID# 2751864), to Anthony M.
6 Goldstein, Esq., with all due expediency.
7

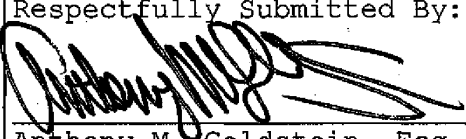
8
9 DATED: 8/8/19


DISTRICT COURT JUDGE

10
11
12
13 Approved as to Form and Content By:

14  1100Z
15 Deputy District Attorney
16
17
18

19 Respectfully Submitted By:

20 
21 Anthony M. Goldstein, Esq.
22 Nevada State Bar #7721
23 **LAW OFFICES OF ANTHONY M. GOLDSTEIN**
24 2421 Tech Center Court
25 Suite 100
Las Vegas, Nevada 89128
Phone: (702) 796-1114
Fax: (702) 796-1115
ATTORNEY FOR DEFENDANT

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMMIE NUNN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 79219
District Court Case No. C336184

FILED

OCT - 7 2019

Elizabeth A. Brown
CLERK OF COURT

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, 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:

"ORDERS this appeal DISMISSED"

Judgment, as quoted above, entered this 4th day of September, 2019.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
September 30, 2019.

Elizabeth A. Brown, Supreme Court Clerk

By: Sandy Young
Deputy Clerk



C-18-336184-1
CCJD
NV Supreme Court Clerks Certificate/Judge
4887874



CERTIFIED COPY

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

DATE: 9/30/19

County Court Clerk, State of Nevada

by S. Young Deputy

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMMIE NUNN,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 79219

FILED

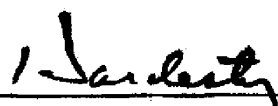
SEP 04 2019


ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order denying a motion to dismiss counsel and appoint alternate counsel. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

Because no statute or court rule permits an appeal from the aforementioned order, this court lacks jurisdiction. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Accordingly, this court
ORDERS this appeal DISMISSED.¹

 J.
Hardesty

 J.
Stiglich

 J.
Silver

¹Given this order, this court takes no action on the pro se motion filed on August 2, 2019.

cc: Hon. Mary Kay Holthus, District Judge
Sammie Nunn
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk
Anthony M. Goldstein

SUPREME COURT
OF
NEVADA

(C) 1977A 



CERTIFIED COPY

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

DATE: 9/30/19

Supreme Court Clerk, State of Nevada

By: S. Yancy Deputy



IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMMIE NUNN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 79219
District Court Case No. C336184

REMITTITUR

TO: Steven D. Grierson, Eighth 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: September 30, 2019

Elizabeth A. Brown, Clerk of Court

By: Sandy Young
Deputy Clerk

cc (without enclosures):

Hon. Mary Kay Holthus, District Judge
Attorney General/Carson City \ Aaron D. Ford, Attorney General
Clark County District Attorney \ Steven S. Owens, Chief Deputy District Attorney
Sammie Nunn

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on OCT - 7 2019.

HEATHER UNGERMANN
Deputy District Court Clerk

RECEIVED
APPEALS

OCT 03 2019

CLERK OF THE COURT



PET
MARISA BORDER, ESQ.
Nevada Bar No. 8381
400 South 4th Street, Suite 650
Las Vegas, NV 89101
Telephone: (702) 900-5114
Facsimile: (702) 577-2304
Email: mborderlaw@gmail.com
Attorneys for Defendant
SAMMIE NUNN

DISTRICT COURT

CLARK COUNTY NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

SAMMIE NUNN,

Defendant.

Case No.: C-18-336184-1

Dept. No.: XVIII

**POST-CONVICTION PETITION FOR
WRIT OF HABEAS CORPUS**

Date of hearing: November 5, 2019

Time of hearing: 9:00am

Petitioner, SAMMIE NUNN (hereinafter referred to as "Nunn"), by and through his counsel of record, MARISA BORDER, ESQ., hereby files this Post-Conviction Petition for Writ of Habeas Corpus Pursuant to NRS Chapter 34. This Petition, including the following Points and Authorities, is made upon the pleadings and papers already on file, and any evidentiary hearing and oral argument of counsel deemed necessary by the Court.

Petitioner, SAMMIE NUNN, alleges that he is being held in custody in violation of the Fifth, Sixth, and Fourteenth Amendments of the Constitution of the United States of America, and Articles I and IV of the Nevada Constitution.

DATED this 9th day of October, 2019.

By: /s/ Marisa Border
MARISA BORDER, ESQ.
Nevada Bar No.: 8381
400 South 4th Street, Suite 650
Las Vegas, NV 89101
Attorney for Petitioner
SAMMIE NUNN

MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

In the instant case Nunn was charged after a grand jury proceeding with Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm occurring on May 27, 2018 and Battery with Use of a Deadly Weapon occurring on June 3, 2018. The following facts are pertaining specifically to the events on May 27, 2018 and the case as laid out by witness testimony at the grand jury.

Prince Alidu testified that he was at the Your Stop shop on May 27, 2018. GJ Vol 1, page 16, line 14-15. At that time, he stated that he was approached by Sammie Nunn who was asking for 50 cents. GJ Vol 1, page 16, line 16-17. Alidu told Nunn that he did not have the 50 cents to give him. GJ Vol 1, page 16, line 17. After that, Nunn started calling him names and eventually Nunn walked away. GJ Vol 1, page 17, lines 4-7. Alidu testified that a few minutes later Nunn returned with a tool in his hand. GJ Vol 1, page 17, lines 7-10. The tool was identified as a nine to twelve inch pair of pliers. GJ Vol 1, page 17, lines 15-16 and page 18, lines 1-2. In response to the States question, Alidu testified that Nunn then hit him in the face with the pliers. GJ Vol 1, page 18, lines 4-9.

1 **II. PROCEDURAL HISTORY**

2 After numerous court appearances regarding Nunn's competency and a Motion to Dismiss
3 Counsel, which was granted, a Guilty Plea Agreement was entered into on June 6, 2019.
4 Sentencing was held on June 11, 2019 where in Nunn was granted an opportunity on probation.
5 Subsequently, a probation violation report was filed. On August 20, 2019 the Court allowed Mr.
6 Goldstein to withdraw and appointed undersigned counsel to explore possible issues to substantiate
7 a Motion to Withdraw the Guilty Plea Agreement.
8

9 **III. GROUND FOR RELIEF**

10 **CLAIM ONE: NEW EVIDENCE, IN ADDITION TO THE EVIDENCE PRESENTED**
11 **AT THE GRAND JURY, PERSUASIVELY DEMONSTRATES NUNN**
12 **WAS ACTING IN SELF DEFENSE AND THEREFORE INNOCENT**
13 **OF THE CHARGES STEMMING FROM MAY 27, 2018. AS SUCH,**
14 **NUNN IS IMPRISONED IN VIOLATED ON HIS RIGHT TO DUE**
15 **PROCESS UNDER THE FIFTH AND FOURTEENTH**
16 **AMENDMENTS.**

17 In Schlup v. Delo, the United States Supreme Court found that the standard a habeas
18 petitioner must meet to establish a claim of actual innocence to overcome the procedural bars
19 requires a petitioner to show that "a constitutional violation has probably resulted in the
20 conviction of one who is actually innocent." Schlup v. Delo, 513 U.S. 298, 327, 115 S. Ct. 851,
21 867, 130 L. Ed. 2d 808 (1995). To establish the requisite probability, the petitioner must show
22 that it is more likely than not that no reasonable juror would have convicted him in the light of
23 the new evidence. Id. The petitioner thus is required to make a stronger showing than that needed
24 to establish prejudice.

25 In assessing the adequacy of a petitioner's showing, the district court is not bound by the
26 rules of admissibility that would govern at trial. Instead, the emphasis on "actual innocence"
allows the court to also consider the probative force of relevant evidence that was either excluded

1 or unavailable at trial. Id. at 327-328. The court must make its determination concerning the
2 petitioner's innocence "in light of all the evidence, including that alleged to have been illegally
3 admitted (but with due regard to any unreliability of it) and evidence tenably claimed to have
4 been wrongly excluded or to have become available only after the trial." Id. at 328.

5 The meaning of actual innocence does not merely require a showing that a reasonable
6 doubt exists in the light of the new evidence, but rather that no reasonable juror would have found
7 the defendant guilty. It is not the district court's independent judgment as to whether reasonable
8 doubt exists; the standard requires the district court to make a probabilistic determination about
9 what reasonable, properly instructed jurors would do. Thus, a petitioner does not meet the
10 threshold requirement unless he persuades the district court that, in light of the new evidence, no
11 juror, acting reasonably, would have voted to find him guilty beyond a reasonable doubt. Id. at
12 329. The word "reasonable" in that formulation is not without meaning. Id. It must be presumed
13 that a reasonable juror would consider fairly all of the evidence presented. Id. It must also be
14 presumed that such a juror would conscientiously obey the instructions of the trial court requiring
15 proof beyond a reasonable doubt. Id.

16 Newly presented evidence may indeed call into question the credibility of the witnesses
17 presented at trial. Id. at 30. In such a case, the court may have to make some credibility
18 assessments. Id. Also, and more fundamentally, the focus of the inquiry is on the likely behavior
19 of the trier of fact. Id.

20 Courts have held that an evidentiary hearing regarding actual innocence is required where
21 the new evidence, "if credited," would show that it is more likely than not that no reasonable jury
22 would find the petitioner guilty beyond a reasonable doubt. *See Berry v. State*, 131 Nev. Adv. Op.
23 96, 363 P.3d 1148, 1155 (2015); and *Coleman v. Hardy*, 628 F.3d 314, 319–20 (7th Cir.2010)

1 (holding that within the context of 28 U.S.C. § 2254(e)(2)(B) an evidentiary hearing “should be
2 granted if it could enable a habeas applicant to prove his petition's factual allegations, which, if
3 true, would entitle him to federal habeas relief”); *Jaramillo v. Stewart*, 340 F.3d 877, 883 (9th
4 Cir.2003) (remanding for an evidentiary hearing to resolve whether the evidence proffered to
5 show actual innocence was credible because that “evidence if credible, and considered in light of
6 all the evidence, demonstrate[d] that it [was] more likely than not that no reasonable juror would
7 have convicted [the petitioner] of the charged offenses”); *Amrine v. Bowersox*, 128 F.3d 1222,
8 1229 (8th Cir.1997) (providing petitioner made a sufficient showing to require an evidentiary
9 hearing on his actual innocence allegation because, “if credited, his evidence could establish
10 actual innocence”).

11 12 **New Evidence Discovered**

13
14 When released on probation Nunn learned of a new witness to the events transpiring on
15 May 27, 2018. This new witness, Endalkachew Mekonnen, was found and interviewed by
16 undersigned counsel’s investigator Mark Preusch. Mr. Mekonnen informed investigator Preusch
17 that he was present at the Your Stop Liquor and watched the interaction between Mr. Alidu and
18 Nunn. Mr. Mekonnen stated that Mr. Alidu was the primary aggressor and he aggressively
19 walked towards Nunn. Nunn continuously backed up to avoid a confrontation. It was only once
20 backed into a corner that Nunn reacted by swinging a wrench at Mr. Alidu.

21
22 This witness was unknown to defendant Nunn and his attorney at the time the Guilty Plea
23 Agreement was entered into. As such, based upon this new evidence, Nunn is requesting an
24 evidentiary hearing and possible withdraw of his guilty plea.

25
26 Based on the foregoing, Nunn submits that he is actually innocent of Battery with Deadly
Weapon Resulting in Substantial Bodily Harm. When reviewing all the evidence, it is more likely

1 than not that no reasonable juror would have convicted Nun of the charged offense on May 27,
2 2019. Accordingly, justice demands that this Court grant Nunn a new trial. In the alternative,
3 Nunn respectfully requests an evidentiary hearing to resolve any factual disputes.

4 **CONCLUSION**

5 Based on the foregoing, Nunn's conviction is unconstitutional under the federal and state
6 constitutions for the reason stated herein. Good cause exists for consideration of these claims. Mr.
7 Nunn's judgment of conviction must therefore be vacated.

9 The Nevada Supreme Court has held that a post-conviction habeas petitioner "is entitled
10 to a post-conviction evidentiary hearing when he asserts claims supported by specific factual
11 allegations not belied by the record that, if true, would entitle him to relief." McConnell, 125 Nev.
12 243, 212 P.3d at 314. In the instant matter, Nunn has asserted a claim, which, based on the
13 foregoing, is clearly supported by specific factual allegations that would entitle him to relief. If
14 not immediately granted, alternatively, this Court should grant Nunn an evidentiary hearing to
15 resolve his claims of actual innocence.

16 DATED this 9th day of October, 2019.

17
18
19 /s/ Marisa Border
20 MARISA BORDER, ESQ.
21 Nevada Bar No. 8381
22 400 South 4th Street, Suite 650
23 Las Vegas, NV 89101
24 Attorney for Petitioner
25 SAMMIE NUNN

26 **DECLARATION**

Under the penalty of perjury, the undersigned declares that she is the appointed counsel for
the petitioner named in the foregoing Petition and knows the contents thereof; that the pleading is

1 true of her own knowledge, except as to those matters stated on information and belief, and as to
2 such matters she believes them to be true.

3 Under penalty of perjury, the undersigned declares that the Petitioner authorized her to
4 commence this action.

5 Dated this 9th day of October, 2019.
6

7
8 /s/ Marisa Border
MARISA BORDER, ESQ.
9

10 **CERTIFICATE OF SERVICE**

11 I hereby certify and affirm that this document was filed electronically with the Nevada
12 State District Court in Clark County, Nevada on the 10th day of October, 2019. Electronic service
13 of the foregoing document shall be made in accordance with the Master Service List as follows:
14

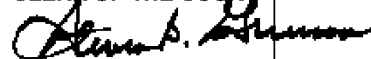
15 STEVEN WOLFSON, Clark County District Attorney
200 Lewis Avenue
16 Las Vegas, Nevada 89101
motions@clarkcountynyda.com
17 Respondent
18

19 /s/ Marisa Border
20 MARISA BORDER, ESQ.
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**DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
10/10/2019 1:44 PM
Steven D. Grierson
CLERK OF THE COURT



State of Nevada
vs
Sammie Nunn

Case No.: C-18-336184-1
Department 18

NOTICE OF HEARING

Please be advised that the Defendant's Post-Conviction Petition for Writ of Habeas Corpus in the above-entitled matter is set for hearing as follows:

Date: November 26, 2019
Time: 9:00 AM
Location: RJC Courtroom 03F
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Joshua Raak
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

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

By: /s/ Joshua Raak
Deputy Clerk of the Court



1 **RET**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 ALEXANDER CHEN
6 Chief Deputy District Attorney
7 Nevada Bar #0010539
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2211
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,

13 Plaintiff,

14 -vs-

15 SAMMIE NUNN,
16 #2751864

17 Defendant.

Case No. C-18-336184-1

Dept No. XVIII

18 **STATE'S RETURN TO DEFENDANT'S POST-CONVICTION**
19 **PETITION FOR WRIT OF HABEAS CORPUS**

20 DATE OF HEARING: November 26, 2019
21 TIME OF HEARING: 9:00 AM

22 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney,
23 through ALEXANDER CHEN, Chief Deputy District Attorney, and files this Return to
24 Defendant's Post-Conviction Petition for Writ of Habeas Corpus.

25 This Return is made and based upon all the papers and pleadings on file herein, the
26 attached points and authorities in support hereof, and oral argument at the time of hearing, if
27 deemed necessary by this Honorable Court.

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On June 6, 2019, Petitioner Sammie Nunn signed a Guilty Plea Agreement whereby he
4 would plead guilty to one count of Battery with Use of a Deadly Weapon. The Guilty Plea
5 Agreement was filed in Court and accepted as part of his plea. On June 11, 2019, Petitioner
6 was sentenced pursuant to the Guilty Plea Agreement to probation with an underlying sentence
7 of forty-eight (48) months to one hundred twenty (120) months in the Nevada Department of
8 Corrections. A Judgment of Conviction was filed on June 20, 2019.

9 On July 23, 2019, Petitioner was brought before the Court on a probation violation
10 hearing. At that time, Petitioner moved to remove his counsel. According to the court minutes
11 on August 6, 2019, Petitioner made a claim that his prior attorney was ineffective for not using
12 a witness the Petitioner wished to call at his trial, and thus that was the reason that the
13 Defendant ultimately pled guilty in this case.

14 On August 20, 2019, the court allowed Petitioner to have new counsel appointed for
15 the purpose of exploring the possibility of the Petitioner withdrawing his plea. On October
16 10, 2019, Petitioner, through his newly appointed attorney, filed the instant petition to
17 withdraw his plea based on his claim of a new witness who could support his self-defense
18 theory.

19 **ARGUMENT**

20 **I. PETITIONER'S PLEA WAS FREELY AND VOLUNTARILY ENTERED**

21 Petitioner has not set forth a valid reason to vacate his plea. As the Nevada Supreme
22 Court has repeatedly held, a "guilty plea is presumptively valid, and a petitioner carries the
23 burden of establishing that the plea was not entered knowingly and intelligently." Hubbard v.
24 State, 110 Nev. 671, 675 (1994). The validity of a guilty plea is based on looking at the totality
25 of the circumstances. State v. Freese, 116 Nev. 1096, 1105 (2000).

26 Pursuant to NRS 176.165, after sentencing, a defendant's guilty plea can only be
27 withdrawn to correct "manifest injustice." See also Baal v. State, 106 Nev. 69, 72, 787 P.2d
28 391, 394 (1990). The law in Nevada establishes that a plea of guilty is presumptively valid

1 and the burden is on a defendant to show that the plea was not voluntarily entered. Bryant v.
2 State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986) (citing Wingfield v. State, 91 Nev. 336,
3 337, 535 P.2d 1295, 1295 (1975)). Manifest injustice does not exist if the defendant entered
4 his plea voluntarily. Baal, 106 Nev. at 72, 787 P.2d at 394.

5 To determine whether a guilty plea was voluntarily entered, the Court will review the
6 totality of the circumstances surrounding the defendant's plea. Bryant, 102 Nev. at 271, 721
7 P.2d at 367. A proper plea canvass should reflect that:

8 [T]he defendant knowingly waived his privilege against self-
9 incrimination, the right to trial by jury, and the right to confront his
10 accusers; (2) the plea was voluntary, was not coerced, and was not the
11 result of a promise of leniency; (3) the defendant understood the
12 consequences of his plea and the range of punishments; and (4) the
defendant understood the nature of the charge, i.e., the elements of the
crime.

13 Wilson v. State, 99 Nev. 362, 367, 664 P.2d 328, 331 (1983) (citing Higby v. Sheriff, 86 Nev.
14 774, 476 P.2d 950 (1970)). The presence and advice of counsel is a significant factor in
15 determining the voluntariness of a plea of guilty. Patton v. Warden, 91 Nev. 1, 2, 530 P.2d
16 107, 107 (1975). Bare” and “naked” allegations are not sufficient to warrant post-conviction
17 relief, nor are those belied and repelled by the record. Hargrove v. State, 100 Nev. 498, 502,
18 686 P.2d 222, 225 (1984). “A claim is ‘belied’ when it is contradicted or proven to be false by
19 the record as it existed at the time the claim was made.” Mann v. State, 118 Nev. 351, 354, 46
20 P.3d 1228, 1230 (2002).

21 Since Petitioner was sentenced on June 11, 2019, this claim is a post-sentencing request
22 to withdraw a guilty plea. Pursuant to Baal, such a request can only be granted if Petitioner
23 can demonstrate manifest injustice by showing that his plea was not entered into voluntarily.
24 The complaint that Petitioner makes now has nothing to do with the voluntariness of his plea.
25 Essentially, Petitioner is claiming that he has subsequently found an alleged witness who
26 would corroborate a claim of self-defense. Based upon this newly found witness, Petitioner
27 is claiming that he was actually innocent of the crime to which he was charged.

28 //

However, Petitioner is incorrect in this assertion. “ ‘Actual innocence’ means factual innocence, not merely legal insufficiency.” Bousley v. United States, 523 U.S. 614, 623-24 (1992). A defense of self-defense is not a factual deficiency. It is a legal defense that may negate what would otherwise be considered unlawful conduct. The fact of the matter is that this defense was available to Petitioner prior to entering a plea. Certainly a newly found witness could potentially bolster his case, but the fact that he has a witness who now comes forward does not rise to the level of a manifest injustice because it was Petitioner, with his attorney, that decided to plead guilty. Petitioner had an attorney, signed a Guilty Plea Agreement, and was canvassed on the negotiation. The sentence that Petitioner received was exactly what he had bargained for in the Guilty Plea Agreement. Nothing about this situation presents a manifest injustice that warrants this Court grant the Petition.

CONCLUSION

The State respectfully requests that this Court deny the Post-Conviction Petition for Habeas Corpus.

DATED this 16 day of October, 2019.

Respectfully submitted,

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

BY

ALEXANDER CHEN
Chief Deputy District Attorney
Nevada Bar #0010539

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of State's Return to Petitioner's Post-Conviction Petitioner
for Writ of Habeas Corpus was made this 16th day of October, 2019, by electronic filing
to:

MARISA BORDER, ESQ.
Email: mborderlaw@gmail.com

BY: 
Secretary for the District Attorney's Office

18F09747X/AC/ckb/L4



1 AJOC

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 THE STATE OF NEVADA,

7 Plaintiff,

CASE NO. C-18-336184-1

8 -vs-

DEPT. NO. XVIII

9
10 SAMMIE NUNN
#2751864

11 Defendant.

12
13
14 ORDER FOR REVOCATION OF PROBATION AND
15 AMENDED JUDGMENT OF CONVICTION

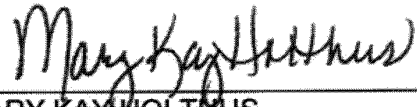
16
17 The Defendant previously appeared before the Court with counsel and entered
18 a plea of guilty to the crime of BATTERY WITH USE OF A DEADLY WEAPON
19 (Category B Felony) in violation of NRS 200.481; thereafter, on the 11th day of June,
20 2019, the Defendant was present in court for sentencing with counsel, wherein the
21 Court did adjudge the Defendant guilty thereof by reason of the plea of guilty,
22 suspended the execution of the sentence imposed and granted probation to the
23 Defendant.
24

25 THEREAFTER, a parole and probation officer provided the Court with a written
26 statement setting forth that the Defendant has, in the judgment of the parole and
27 probation officer, violated the conditions of probation; and on the 14th day of November,
28

1 2019, the Defendant appeared in court with counsel ANTHONY GOLDSTEIN, ESQ.,
2 and pursuant to a probation violation hearing/proceeding and good cause appearing to
3 amend the Judgment of Conviction,
4

5 IT IS HEREBY ORDERED that the probation previously granted to the
6 Defendant is REVOKED; in addition to the original fees, fines and assessments, IT IS
7 FURTHER ORDERED that the original sentence is MODIFIED and imposed as follows:
8 a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole
9 eligibility of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections
10 (NDC); with FIVE HUNDRED TEN (510) DAYS credit for time served.
11

12 DATED this 15 day of November, 2019.

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15 MARY KAY HOLTHUS
16 DISTRICT COURT JUDGE DY
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1 FCL
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 ALEXANDER G. CHEN
6 Chief Deputy District Attorney
7 Nevada Bar #10539
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 SAMMIE NUNN,
13 #2751864

14 Defendant.

CASE NO: C-18-336184-1

DEPT NO: XVIII

15 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

16 DATE OF HEARING: NOVEMBER 5, 2019
17 TIME OF HEARING: 9:00 AM

18 This cause having come on for hearing before the Honorable Mary Kay Holthus,
19 District Judge, on November 5, 2019, the Petitioner being represented by Marisa Border, Esq.,
20 the Respondent being represented by Steven B. Wolfson, District Attorney, through John T.
21 Jones, Jr., Esq., Chief Deputy District Attorney, and the Court having considered the matter,
22 including briefs, transcripts, arguments of counsel, and documents on file herein, now
23 therefore, the Court makes the following findings of fact and conclusions of law:

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1 State, 110 Nev. 671, 675 (1994). The validity of a guilty plea is based on looking at the totality
2 of the circumstances. State v. Freese, 116 Nev. 1096, 1105 (2000).

3 Pursuant to NRS 176.165, after sentencing, a defendant's guilty plea can only be
4 withdrawn to correct "manifest injustice." See also Baal v. State, 106 Nev. 69, 72, 787 P.2d
5 391, 394 (1990). The law in Nevada establishes that a plea of guilty is presumptively valid
6 and the burden is on a defendant to show that the plea was not voluntarily entered. Bryant v.
7 State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986) (citing Wingfield v. State, 91 Nev. 336,
8 337, 535 P.2d 1295, 1295 (1975)). Manifest injustice does not exist if the defendant entered
9 his plea voluntarily. Baal, 106 Nev. at 72, 787 P.2d at 394.

10 To determine whether a guilty plea was voluntarily entered, the Court will review the
11 totality of the circumstances surrounding the defendant's plea. Bryant, 102 Nev. at 271, 721
12 P.2d at 367. A proper plea canvass should reflect that:

13 [T]he defendant knowingly waived his privilege against self-
14 incrimination, the right to trial by jury, and the right to confront his
15 accusers; (2) the plea was voluntary, was not coerced, and was not the
16 result of a promise of leniency; (3) the defendant understood the
17 consequences of his plea and the range of punishments; and (4) the
defendant understood the nature of the charge, i.e., the elements of the
crime.

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19 774, 476 P.2d 950 (1970)). The presence and advice of counsel is a significant factor in
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24 the record as it existed at the time the claim was made." Mann v. State, 118 Nev. 351, 354, 46
25 P.3d 1228, 1230 (2002).

26 Since Petitioner was sentenced on June 11, 2019, this claim is a post-sentencing request
27 to withdraw a guilty plea. Pursuant to Baal, such a request can only be granted if Petitioner
28 can demonstrate manifest injustice by showing that his plea was not entered into voluntarily.

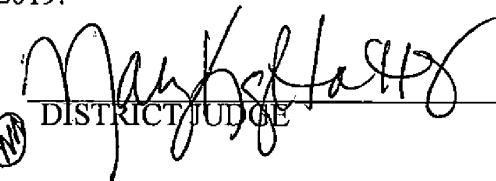
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2 Essentially, Petitioner is claiming that he has subsequently found an alleged witness who
3 would corroborate a claim of self-defense. Based upon this newly found witness, Petitioner is
4 claiming that he was actually innocent of the crime to which he was charged.

5 However, Petitioner is incorrect in this assertion. "Actual innocence" means factual
6 innocence, not merely legal insufficiency." Bousley v. United States, 523 U.S. 614, 623-24
7 (1992). A defense of self-defense is not a factual deficiency. It is a legal defense that may
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10 witness could potentially bolster his case, but the fact that he has a witness who now comes
11 forward does not rise to the level of a manifest injustice because it was Petitioner, with his
12 attorney, that decided to plead guilty. Petitioner had an attorney, signed a Guilty Plea
13 Agreement, and was canvassed on the negotiation. The sentence that Petitioner received was
14 exactly what he had bargained for in the Guilty Plea Agreement. Nothing about this situation
15 presents a manifest injustice that warrants this Court grant the Petition. Thus, Petitioner has
16 failed to provide an adequate basis to withdraw his plea.

17 **ORDER**

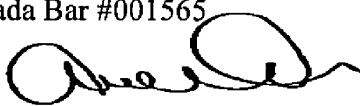
18 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief
19 shall be, and it is, hereby denied.

20 DATED this 17 day of November, 2019.

21 
22 DISTRICT JUDGE

23 STEVEN B. WOLFSON
24 Clark County District Attorney
25 Nevada Bar #001565

26 BY


27 ALEXANDER G. CHEN
28 Chief Deputy District Attorney
Nevada Bar #10539


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CERTIFICATE OF SERVICE

I certify that on the 20th day of NOV, 2019, I emailed a copy of the foregoing Findings of Fact, Conclusions of Law, and Order to:

MARISA BORDER, ESQ.
mborderlaw@gmail.com

BY


Secretary for the District Attorney's Office

jm/L2



1 NEO

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

4 SAMMIE NUNN,

5
6 Petitioner,

Case No: C-18-336184-1

Dept No: XVIII

7 vs.

8 THE STATE OF NEVADA,

9 Respondent,

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

10
11 **PLEASE TAKE NOTICE** that on November 20, 2019, the court entered a decision or order in this
12 matter, a true and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is
15 mailed to you. This notice was mailed on November 21, 2019.

16 STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

17
18 **CERTIFICATE OF E-SERVICE / MAILING**

19 I hereby certify that on this 21 day of November 2019, I served a copy of this Notice of Entry on the
20 following:

21 ☒ By e-mail:

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

24 ☒ The United States mail addressed as follows:

25 Sammie Nunn # 2751864
330 S. Casino Center Blvd.
Las Vegas, NV 89101

Marisa Border, Esq.
400 South 4th St., Ste 650
Las Vegas, NV 89101

26
27 /s/ Amanda Hampton

Amanda Hampton, Deputy Clerk



1 FCL
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 ALEXANDER G. CHEN
6 Chief Deputy District Attorney
7 Nevada Bar #10539
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 SAMMIE NUNN,
13 #2751864

14 Defendant.

CASE NO: C-18-336184-1

DEPT NO: XVIII

15 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

16 DATE OF HEARING: NOVEMBER 5, 2019
17 TIME OF HEARING: 9:00 AM

18 This cause having come on for hearing before the Honorable Mary Kay Holthus,
19 District Judge, on November 5, 2019, the Petitioner being represented by Marisa Border, Esq.,
20 the Respondent being represented by Steven B. Wolfson, District Attorney, through John T.
21 Jones, Jr., Esq., Chief Deputy District Attorney, and the Court having considered the matter,
22 including briefs, transcripts, arguments of counsel, and documents on file herein, now
23 therefore, the Court makes the following findings of fact and conclusions of law:

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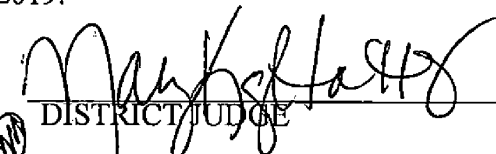

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10 witness could potentially bolster his case, but the fact that he has a witness who now comes
11 forward does not rise to the level of a manifest injustice because it was Petitioner, with his
12 attorney, that decided to plead guilty. Petitioner had an attorney, signed a Guilty Plea
13 Agreement, and was canvassed on the negotiation. The sentence that Petitioner received was
14 exactly what he had bargained for in the Guilty Plea Agreement. Nothing about this situation
15 presents a manifest injustice that warrants this Court grant the Petition. Thus, Petitioner has
16 failed to provide an adequate basis to withdraw his plea.

17 **ORDER**

18 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief
19 shall be, and it is, hereby denied.

20 DATED this 17 day of November, 2019.

21 
22  DISTRICT JUDGE

23 STEVEN B. WOLFSON
24 Clark County District Attorney
Nevada Bar #001565

25 BY 
26


ALEXANDER G. CHEN
Chief Deputy District Attorney
Nevada Bar #10539
27
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CERTIFICATE OF SERVICE

I certify that on the 20th day of NOV, 2019, I emailed a copy of the foregoing Findings of Fact, Conclusions of Law, and Order to:

MARISA BORDER, ESQ.
mborderlaw@gmail.com

BY 
Secretary for the District Attorney's Office

jm/L2

Steven D. Grierson

Sammie Nunn III
330 S. CASINO CENTER BLVD
Las Vegas, NV 89101

DISTRICT COURT
STATE OF NEVADA
CLARK COUNTY

Sammie Nunn III

APPEALANT

CASE NO. C-18-336184-1

vs

DEPT NO. XVIII

THE STATE OF NEVADA

RESPONDANT

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT I, SAMMIE NUNN III, APPEALANT,
HEREBY APPEAL TO THE SUPREME COURT OF NEVADA FROM THE
EIGHTH JUDICIAL DISTRICT COURT'S JUDGEMENT SENTENCING ON
NOVEMBER 14th 2019 11:00AM. SAID DECLARANT SUBJECT TO
THE PENALTY OF PERJURY.

RESPECTFULLY

DATED: 11-RECEIVED

NOV 21 2019

CLERK OF THE COURT

Sammie Nunn III
DEFENDANT

SAMMIE NUNN
PRINTED NAME

SAMMIE NUNN #2751864
330 S. CASINO CENTER BLVD
LAS VEGAS, NV 89101



LEGAL

STEVEN GRIERSON
CLERK OF THE COURT
200 LEWIS AVE
3RD FLOOR
LAS VEGAS NV 89155

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE
OF NEVADA IN THE COUNTY OF CLARK

FILED 7

THE STATE OF NEVADA

NOV 21 2019

RESPONDANT

CASE NO. C-18-336184-1

CLERK OF COURT

DEPT NO. XV III

SAMMIE NUNN

DEFENDANT

December 17, 2019
9:00 AM

MOTION TO WITHDRAW COUNSEL
AND MOTION TO
APPOINT APPEALANT COUNSEL

COMES HERE AND NOW APPEALANT, SAMMIE NUNN, MOVANT, MOVES
TO DISMISS COUNSEL ANTHONY GOLDSTEIN DUE TO A
CONFLICT OF INTEREST OF COUNSEL ANTHONY GOLDSTEIN AND
I, THE DEFENDANT, HAS A CIVIL CASE AGAINST ONE ANOTHER
IN THE UNITED STATES DISTRICT COURT CASE NUMBER #
2:19-CV-01543-RFB-BN/W ENTERED 9/4/2019 BY MOVANT
CASE NAME: NUNN II V. GOLDSTEIN ET AL

SAID DECLARANT SUBJECT TO THE PENALTY OF PERJURY.

RESPECTFULLY

DATED 11-16-2019

DEFENDANT

RECEIVED

NOV 21 2019

SAMMIE NUNN

PRINTED NAME

CLERK OF THE COURT

Clerk Entries

2:19-cv-01543-RFB-BNW Nunn III v. Goldstein et al

IFP, R9

United States District Court

District of Nevada

Notice of Electronic Filing

The following transaction was entered on 9/4/2019 at 1:33 PM PDT and filed on 9/4/2019

Case Name: Nunn III v. Goldstein et al

Case Number: 2:19-cv-01543-RFB-BNW

Filer:

Document Number: 2

Docket Text:

ADVISORY LETTER to litigant. (ADR)

2:19-cv-01543-RFB-BNW Notice has been electronically mailed to:

2:19-cv-01543-RFB-BNW Notice has been delivered by other means to:

Sammie Nunn III
2751864
Clark County Detention Center
330 South Casino Center
Las Vegas, NV 89101

The following document(s) are associated with this transaction:

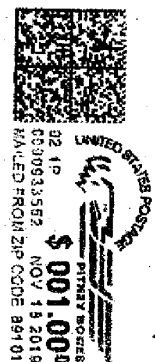
Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1101333072 [Date=9/4/2019] [FileNumber=9401807-0]
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cca3dde169fd126010c9e9615339baf3da6599fde23ffca70c6d9da8eeea]]

SAMMIE NUNN #2751864
CCDC
330 S. CASINO CENTER BLVD
LAS VEGAS, NEVADA 89101



LEGAL
STEVEN GRIERSON
200 LEWIS AVE
LAS VEGAS, NV 89155



1 ASTA

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

STATE OF NEVADA,

Plaintiff(s),

vs.

SAMMIE NUNN,

Defendant(s),

Case No: C-18-336184-1

Dept No: XVIII

CASE APPEAL STATEMENT

1. Appellant(s): Sammie Nunn

2. Judge: Mary Kay Holthus

3. Appellant(s): Sammie Nunn

Counsel:

Sammie Nunn #2751864
330 S. Casino Center Blvd.
Las Vegas, NV 89101

4. Respondent: The State of Nevada

Counsel:

Steven B. Wolfson, District Attorney
200 Lewis Ave.
Las Vegas, NV 89101

(702) 671-2700

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

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

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: Yes

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

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: November 14, 2018

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

Type of Judgment or Order Being Appealed: Judgment of Conviction

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 79219, 79264, 80061

12. Child Custody or Visitation: N/A

Dated This 22 day of November 2019.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

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

cc: Sammie Nunn



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

November 22, 2019

Attorney: Marisa Border
243 Water St
MSC 711
Henderson NV 89015

Case Number: C-18-336184-1
Department: Department 18

Defendant: Sammie Nunn

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: **Motion To Request Transcripts**

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,
DC Criminal Desk # 7
Deputy Clerk of the Court

CLARK COUNTY DISTRICT COURT

THE STATE OF NEVADA

Plaintiff

v.

HONORABLE MARY KAY HOLTHUS

CASE NO. C-18-336184-1

SAMMIE NUNN

DEPT NO. XVIII

MOTION TO REQUEST TRANSCRIPTS

I SAMMIE NUNN MOTIONS THIS COURT TO HERE
AND NOW REQUEST ALL TRANSCRIPTS TO CASE
NUMBER C-18-336184-1 AND ANY RELATING CASES
CONNECTED TO CASE NO. C-18-336184 THE PLEADINGS
AND PAPERS ALREADY ON FILE, I AM NOW REQUESTING
THE COURT TRANSCRIPTS FROM THESE HEARINGS.

RESPECTFULLY,


DEFENDANT

RECEIVED

NOV 21 2019

CLERK OF THE COURT

SAMMIE NUNN

PRINTED NAME

CLARK COUNTY CIVIL COURT

SAMMIE NUNN

DEFENDANT

HONORABLE KAREN BENNETT HARON

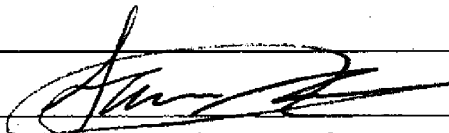
PRINCE ALIDU

APPLICANT

MOTION TO REQUEST TRANSCRIPTS

I SAMMIE NUNN WAS BROUGHT BEFORE JUDGE KAREN BENNETT-HARON ON JUNE 19th 2019 FOR A TEMPORARY PROTECTION ORDER FILED BY PRINCE ALIDU THE HEARING TOOK PLACE AT 10:45AM. I AM NOW REQUESTING THE COURT TRANSCRIPTS FROM THIS HEARING.

RESPECTFULLY


DEFENDANT

SAMMIE NUNN
PRINTED NAME

SAMMIE NUNN #2751944
CCDC
330 S. CASINO CENTER BLVD
LAS VEGAS, NEVADA 89101

LEWIS

STEVEN GRIERSON
200 LEWIS AVE
LAS VEGAS, NV 89155



UNITED STATES POSTAGE
FIRST CLASS
\$ 001.00
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050913552 NOV 19 2019
PAID FROM ZIP CODE 89101

LEGAL



1 **OPI**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 CHRISTOPHER J. LALLI
6 Assistant District Attorney
7 Nevada Bar #005398
8 200 Lewis Avenue
9 Las Vegas, Nevada, 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13 See Attached

14 Defendant.

CASE NO. 19FH2367B
C-19-342247-1
19F21241X
17F21950X
18F08657X
19M03353X
19F24128X
C-19-345107-1
19F23852X
19F22825X
19F22810A
18F20944B
19FH1869X
C-18-336184-1
11F10355X

DEPT NO. See Attached

22 **ORDER FOR PRODUCTION OF INMATES**

24 TO: NEVADA DEPARTMENT OF CORRECTIONS,
25 Central Transportation Division

26 TO: JOSEPH LOMBARDO, Sheriff of Clark County, Nevada

27 //

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DEC 10 2019
2019

1 Upon the ex parte application of THE STATE OF NEVADA, Plaintiff, by STEVEN
2 B. WOLFSON, District Attorney, through CHRISTOPHER J. LALLI, Assistant District
3 Attorney, and good cause appearing therefor,


4 IT IS HEREBY ORDERED that NEVADA DEPARTMENT OF CORRECTIONS,
5 Central Transportation Division, shall be, and is, hereby directed to produce the defendant(s)
6 listed on the attached document(s) at such time and place is designated thereon.

7 IT IS FURTHER ORDERED that JOSEPH LOMBARDO, Sheriff of Clark County,
8 Nevada, shall accept and retain custody of the said defendants in the Clark County Detention
9 Center, Las Vegas, Nevada, pending completion of said matter in Clark County, or until the
10 further Order of this Court; or in the alternative shall make all arrangements for the
11 transportation of the said defendants to and from the Nevada Department of Corrections
12 facility which are necessary to insure the defendants' appearance in Clark County pending
13 completion of said matter, or until further Order of this Court.

14 DATED this 14th day of December, 2019

15
16 
17 _____
DISTRICT JUDGE

18
19 STEVEN B. WOLFSON
20 Clark County District Attorney
Nevada Bar #001565

21
22 BY 
23 _____
CHRISTOPHER J. LALLI
24 Assistant District Attorney
Nevada Bar #005398

25
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28 mc
120919

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

Inter-Office Memorandum

To: All Personnel

Date: December 4, 2019

From: Field Services Sgt.

Subject: Pending court dates of inmates sentenced to
NDOC/HIGH DESERT and were transferred on: FRIDAY, DECEMBER 6, 2019 2019.

The inmates listed below were transferred to Nevada Dept of Corrections and will have the following court dates.

	<u>NAME/ACTION</u>	<u>ID#</u>	<u>CASE #</u>	<u>CRT DATE/ TIME</u>	<u>DEPT #</u>
1	STEPHANYAN, VAZGEN STATUS CHECK	7064717	19FH2367B	12-17-19@0930	JH#2
2	RIOS, ANTHONY SENTENCING	7517649	C-19-342247-1	12-16-19@0900	DC#5
3					

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

Inter-Office Memorandum

To: All Personnel
From: Field Services Sgt.
Subject: Pending court dates of inmates sentenced to
WOMEN'S PRISON and were transferred on: FRIDAY, DECEMBER 6, 2019.

Date: December 4, 2019

	<u>NAME/ACTION</u>	<u>ID#</u>	<u>CASE #</u>	<u>CRT DATE</u>	<u>DEPT</u>
1	SMITH, KEHLA PRELIM	3038955	19F21241X	12-19-19@0900	JC#9
2					
3					
4					

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

Inter-Office Memorandum

To: All Personnel

Date: December 5, 2019

From: Field Services Sgt.

Subject: Pending court dates of inmates sentenced to
NDOC/HIGH DESERT and were transferred on: MONDAY, DECEMBER 9, 2019.

The inmates listed below were transferred to Nevada Dept of Corrections and will have the following court dates.

	<u>NAME/ACTION</u>	<u>ID#</u>	<u>CASE #</u>	<u>CRT DATE/ TIME</u>	<u>DEPT #</u>
1	BRITTON, CHRISTIAN STATUS CHECK STATUS CHECK	5816404	17F21950X 18F08657X	1-21-20@0730 1-21-20@0730	JC#7 " "
2	SMITH, GEORGE STATUS CHECK	7066544	19M03353X	12-18-19@0800	JC#7
3	GARDNER, ERIK PRELIM	1927814	19F24128X	12-19-19@0900	JC#7
4	HARROLD, LYLE SENTENCING	1879779	C-19-345107-1	3-31-19@0830	DC#12
5	BARRAZA, HUMBERTO PRELIM	2592916	19F23852X	12-24-19@0900	JC#7

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

Inter-Office Memorandum

To: All Personnel
From: Field Services Sgt.
Subject: Pending court dates of inmates sentenced to
WOMEN'S PRISON and were transferred on: TUESDAY, DECEMBER 10, 2019.

Date: December 6, 2019

	<u>NAME/ACTION</u>	<u>ID#</u>	<u>CASE #</u>	<u>CRT DATE</u>	<u>DEPT</u>
1	YOUNG, CHRISTINA STATUS CHECK	1501151	19F22825X	5-4-20@0800	JC#12
2	BROWN-ROSS, LUTEECE NEGOTIATIONS STATUS CHECK	7024832	19F22810A 18F20944B	12-18-19@0730 12-19-19@0730	JC#11 JC#9
3					
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LAS VEGAS METROPOLITAN POLICE DEPARTMENT

Inter-Office Memorandum

To: All Personnel

Date: December 3, 2019

From: Field Services Sgt.

Subject: Pending court dates of inmates sentenced to
NDOC/HIGH DESERT and were transferred on: **THURSDAY DECEMBER 5, 2019.**

The inmates listed below were transferred to Nevada Dept of Corrections and will have the following court dates.

	<u>NAME/ACTION</u>	<u>ID#</u>	<u>CASE #</u>	<u>CRT DATE/ TIME</u>	<u>DEPT #</u>
1	FRANCO, ANTHONY TAPP	1626322	19FH1869X	12-12-19@0930	JH#3
2	NUNN, SAMMIE MOTION	2751864	C-18-336184-1	12-17-19@0900	DC#18
3	ANGULOMONTANEZ, LUIS STATUS CHECK	2803514	11F10355X	12-12-19@0800	JC#10



OPI
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JOHN T. JONES, JR.
Chief Deputy District Attorney
Nevada Bar #009598
200 Lewis Avenue
Las Vegas, Nevada, 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

SAMMIE NUNN,
#2751864

Defendant.

CASE NO. C-18-336184-1

DEPT NO. XVIII

**ORDER FOR PRODUCTION OF INMATE
SAMMIE NUNN, BAC #1226304**

DATE OF HEARING: January 14, 2020
TIME OF HEARING: 9:00 AM

TO: NEVADA DEPARTMENT OF CORRECTIONS; and

TO: JOSEPH LOMBARDO, Sheriff of Clark County, Nevada:

Upon the ex parte application of THE STATE OF NEVADA, Plaintiff, by STEVEN B. WOLFSON, District Attorney, through JOHN T. JONES, JR., Chief Deputy District Attorney, and good cause appearing therefor,

IT IS HEREBY ORDERED that NEVADA DEPARTMENT OF CORRECTIONS shall be, and is, hereby directed to produce SAMMIE NUNN, Defendant in Case Number C-18-336184-1, wherein THE STATE OF NEVADA is the Plaintiff, inasmuch as the said SAMMIE NUNN is currently incarcerated in the NEVADA DEPARTMENT OF

//

//

1 CORRECTIONS located in Clark County, Nevada, and his presence will be required in Las
2 Vegas, Nevada, commencing on January 14, 2020, at the hour of 9:00 o'clock AM and
3 continuing until completion of the prosecution's case against the said Defendant.

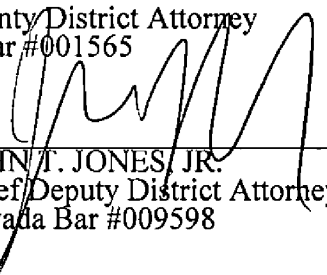
4 IT IS FURTHER ORDERED that JOSEPH LOMBARDO, Sheriff of Clark County,
5 Nevada, shall accept and retain custody of the said SAMMIE NUNN in the Clark County
6 Detention Center, Las Vegas, Nevada, pending completion of said matter in Clark County, or
7 until the further Order of this Court; or in the alternative shall make all arrangements for the
8 transportation of the said SAMMIE NUNN to and from the Nevada Department of Corrections
9 facility which are necessary to insure the SAMMIE NUNN'S appearance in Clark County
10 pending completion of said matter, or until further Order of this Court.

11 DATED this 30 day of December, 2019.

12 
13 DISTRICT JUDGE
14

15 STEVEN B. WOLFSON
16 Clark County District Attorney
17 Nevada Bar #001565

18 BY


19 JOHN T. JONES, JR.
20 Chief Deputy District Attorney
21 Nevada Bar #009598
22
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28 18FI1438X/ckb/L4



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

January 16, 2020

Attorney: Anthony M. Goldstein
2421 Tech Center Court
Ste 100
Las Vegas NV 89128

Case Number: C-18-336184-1
Department: Department 18

Defendant: Sammie Nunn

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: **Motion To Request Transcripts**

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,
DC Criminal Desk # 7
Deputy Clerk of the Court

CLARK COUNTY DISTRICT COURT

STATE OF NEVADA

PLAINTIFF

V.

SAMMIE NUNN

DEFENDANT

PRO SE

HONORABLE MARY KAY HOLTEUS

CASE NO. C-18-336184-1

DEPT NO. XVIII

MOTION TO REQUEST TRANSCRIPTS

I SAMMIE NUNN MOTIONS THIS COURT TO HERE
AND NOW REQUEST ALL TRANSCRIPTS TO CASE NO.
C-18-336184-1, AND ANY RELATING CASES CONNECTED
TO CASE NO. C-18-336184-1 THE PLEADINGS AND
PAPERS ALREADY ON FILE, I AM NOW REQUESTING
THE COURT TRANSCRIPTS FROM THESE HEARINGS.

RESPECTFULLY SUBMITTED,


PRO SE DEFENDANT

RECEIVED
JAN 16 2020
CLERK OF THE COURT

SAMMIE NUNN
PRINTED NAME

INMATE ID# 1226204
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS NV 89370

53 LRDENMP 03155

CLERK OF THE COURT
STEVEN D. GRIERSON
200 LEWIS AVENUE
3RD FLOOR
LAS VEGAS NV 89155-1160

THE STATE OF NEVADA
RESPONDANT

V.

SAMMIE NUNN
DEFENDANT

DISTRICT COURT
CLARK COUNTY NEVADA

CASE NO. C-18-336184-1
DEPT NO. XVIII

FILED
JAN 23 2020

[Signature]
CLERK OF COURT

February 18, 2020
9:00 AM

MOTION TO APPOINT APPEALANT COUNSEL

PP
DA

COMES HERE AND NOW APPEALANT, SAMMIE NUNN, MOVES TO APPOINT APPEALANT COUNSEL AND SECURE COUNSEL WITHIN A REASONABLE AMOUNT OF TIME. THIS CASE WAS REMANDED TO THE DISTRICT COURT FOR THE SOLE PURPOSE OF SECURING COUNSEL FOR APPEALANT NUNN. NUNN HAD A CONFLICT OF INTEREST WITH PRIOR ATTORNEY GOLDSTIEN IN CASE: NUNN III V. GOLDSTIEN 2:19-CV-01543-RFB-BNW. CASE C-18-336184-1 IS TO BE SENT BACK TO SUPREME COURT AFTER APPOINTING APPEALANT COUNSEL.

SAID DECLARANT SUBJECT TO THE PENALTY OF PERJURY.

RECEIVED

JAN 23 2020

CLERK OF THE COURT

DATED 1-17-2020

RESPECTFULLY SUBMITTED,

[Signature]
DEFENDANT

SAMMIE NUNN #1226304
HDSP
P.O. BOX 650
INDIAN SPRINGS, NV 89070

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMMIE NUNN,

Appellant,

vs.

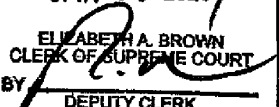
THE STATE OF NEVADA,

Respondent.

No. 80121

FILED

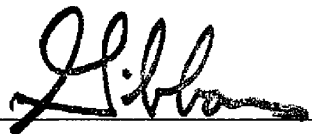
JAN 03 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

*ORDER OF LIMITED REMAND
FOR DESIGNATION OF COUNSEL*

This is a pro se appeal from a district court order revoking probation and amended judgment of conviction. Appellant was represented by appointed counsel in the proceedings below. This appeal is remanded to the district court for the limited purpose of securing counsel for appellant. The district court shall have 30 days from the date of this order to appoint counsel for appellant. Within 5 days from the date of appointment, the district court clerk shall transmit to the clerk of this court a copy of the district court's written or minute order appointing appellate counsel.

It is so ORDERED.

 C.J.

cc: Hon. Mary Kay Holthus, District Judge
Sammie Nunn
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

Clerk Entries**2:19-cv-01543-RFB-BNW Nunn III v. Goldstein et al**

IFP, P9

United States District Court**District of Nevada****Notice of Electronic Filing**

The following transaction was entered on 9/4/2019 at 1:33 PM PDT and filed on 9/4/2019

Case Name: Nunn III v. Goldstein et al

Case Number: 2:19-cv-01543-RFB-BNW

Filler:

Document Number: 2

Docket Text:

ADVISORY LETTER to litigant. (ADR)

2:19-cv-01543-RFB-BNW Notice has been electronically mailed to:

2:19-cv-01543-RFB-BNW Notice has been delivered by other means to:

Sammie Nunn III
2751864
Clark County Detention Center
330 South Casino Center
Las Vegas, NV 89101

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

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cca3dde169fd126010c9e9615339baf3da6599fde23ffca70c6d9da8eeea]]

INDIAN SPRINGS, NV 89070

SECRET

100

MOT.
SAMMIE LEE NUNN III #1226304
HOSP
PO, BOX 650
INDIAN SPRINGS, NV 89070

FILED

JAN 24 2020

DISTRICT COURT
CLARK COUNTY, NEVADA

Sharon L. Blum
CLERK OF COURT

PP
DA
STATE OF NEVADA

PLAINTIFF

VS.

CASE NO. G-18-336184-1

DEPT NO. XVIII

SAMMIE NUNN

#1226304 DEFENDANT

February 18, 2020
9:00 AM

MOTION FOR PRODUCTION OF TRANSCRIPTS

COMES NOW, SAMMIE LEE NUNN III, PROCEEDING IN PROPER PERSON, MOVES THIS HONORABLE COURT FOR AN ORDER FOR PRODUCTION OF TRANSCRIPTS OF PRIOR PROCEEDINGS HEREIN PURSUANT TO GEORGE V. STATE 122 NEV. 1, 127 P.3d 1055 (2006).

THIS MOTION IS MADE AND BASED ON THE ATTACHED MEMORANDUM OF POINTS AND AUTHORITIES, OF ALL THE PLEADINGS ON FILE HEREIN, AS WELL AS THE DEFENDANTS REQUEST FOR TRANSCRIPTS.

DATED THIS Jan day of 18, 2020

SAMMIE LEE NUNN III

[Signature]
SAMMIE LEE NUNN III

HDSP

P.O. 650

INDIAN SPRINGS, NV 89070

RECEIVED

JAN 24 2020

CLERK OF THE COURT

POINTS AND AUTHORITIES

IN GEORGE V. STATE 122 Nev. 1, 6, 127 P.3d 1055, 1057 (2006), THE NEVADA SUPREME COURT HELD THAT "THE STATE MUST PROVIDE AN INDIGENT DEFENDANT WITH TRANSCRIPTS OF PRIOR PROCEEDINGS WHEN THE DEFENDANT NEEDS THE TRANSCRIPTS FOR AN EFFECTIVE DIRECT APPEAL."

IN THIS INSTANT CASE, MR. NUNN III IS INDIGENT AND TRANSCRIPTS OF PRIOR PROCEEDINGS IS NEEDED FOR AN EFFECTIVE DIRECT APPEAL.

DEFENDANTS REQUEST FOR TRANSCRIPTS

PURSUANT TO GEORGE V. STATE 122 NEV 1, 127 P.3d 1055 (2006), THE DEFENDANT, SAMMIE LEE NUNN III, RESPECTFULLY REQUESTS THE FOLLOWING:

PRIOR PROCEEDINGS HELD ON OR ABOUT:

MAY 24, 2019

AND

NOVEMBER 12 2019

CONCLUSION

BASED ON THE FOREGOING, THE DEFENDANT, SAMMIE LEE NUNN III, RESPECTFULLY REQUESTS THAT THIS HONORABLE COURT GRANT THE INSTANT MOTION, AND ORDER THE TIMELY PRODUCTION OF THE TRANSCRIPTS SOUGHT HEREIN, PURSUANT TO GEORGE V. STATE 122 NEV. 1, 127 P.3d 1055 (2006)

RESPECTFULLY SUBMITTED

DATED THIS JAN DAY OF 18 2020

SAMMIE LEE NUNN III

IN PROPER PERSON

CERTIFICATE OF MAILING

I CERTIFY THAT THE SERVICE OF THE ABOVE AND FOREGOING WAS
MADE THE ____ day of ____ 2020, BY U.S. MAIL, POSTAGE
PREPAID, ADDRESSED TO:

STEVEN B. WOLFSON
CLARK COUNTY DISTRICT ATTORNEY
NEVADA BAR #001565
200 LEWIS AVENUE
LAS VEGAS, NV 89155

SAMMIE NUNN #1226304

HDSP

P.O. BOX 600

INDIAN SPRINGS, AL 36070

STACON GRIERSON
CLERK OF THE COURT
200 LEWIS AVENUE
3RD FLOOR

INDIAN SPRINGS, AL 36070

33 LRDENR 09155



SAMMIE NUNN #1226304
HDSP
P.O. BOX 650
INDIAN SPRINGS, NV 89070

DISTRICT COURT
CLARK COUNTY NEVADA

FILED

JAN 24 2020

Sharon L. Williams
CLERK OF COURT

STATE OF NEVADA
PLAINTIFF

V.

CASE NO. C-18-336184-1
DEPT NO. XVIII

SAMMIE NUNN
1226304
DEFENDANT

February 18, 2020
9:00 AM

NOTICE OF MOTION

TO: THE STATE OF NEVADA; RESPONDANT;
TO: STEVEN WOLFSON, DISTRICT ATTORNEY, ITS ATTORNEY.

PLEASE TAKE NOTICE THAT A MOTION FOR PRODUCTION
OF TRANSCRIPTS WILL COME ON FOR HEARING BEFORE THE
ABOVE-ENTITLED COURT ON THE _____ day of _____, 2020
AT THE HOUR OF _____ O'CLOCK _____ M. IN
DEPARTMENT _____, OF SAID COURT.

DATED THIS JAN day of 18 2020.

RESPECTFULLY

RECEIVED

JAN 24 2020

CLERK OF THE COURT

[Signature]
DEFENDANT
SAMMIE LEE NUNN III
PRINTED NAME

FILED

JAN 24 2020

CLERK OF COURT

THE DISTRICT COURT OF NEVADA
CLARK COUNTY

SAMMIE NUNN

Petitioner PRO SE

VS.

DISTRICT COURT CASE NO. C 336184

CIVIL CASE NO. 18PO0861

THE STATE OF NEVADA

RESPONDENT

DATE OF HEARING:

TIME OF HEARING:

POST-CONVICTION PETITION FOR
WRIT OF HABEAS CORPUS

PETITIONER, SAMMIE NUNN (hereinafter referred to as "Nunn"),
BY AND THROUGH HIS COUNSEL OF RECORD IN PROPER PERSON. HEREBY
FILES THIS PETITION FOR WRIT OF HABEAS CORPUS IN RESPONSE TO NEW
EVIDENCE IN THE PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO
NRS CHAPTER 34. THIS PETITION, INCLUDING POINTS AND AUTHORITIES, IS
MADE UPON THE PLEADINGS AND PAPERS ON FILE, AND ANY EVIDENTIARY HEARING
AND ORAL ARGUMENT OF VICTIM AND COUNSEL DEEMED NECESSARY BY THE COURT.
PETITIONER, SAMMIE NUNN, ALLEGES AND CAN PROVE THAT HE IS BEING HELD IN
CUSTODY IN VIOLATION OF THE FIFTH, SIXTH AND FOURTEENTH AMENDMENTS OF
THE CONSTITUTION OF THE UNITED STATES OF AMERICA AND ARTICLES I AND
IV OF THE NEVADA CONSTITUTION. THIS CASE WAS A ROBBERY GONE WRONG WHERE
NUNN DEFENDED HIMSELF BOTH TIMES VERY WELL.

RECEIVED

JAN 24 2020

MEMORANDUM OF POINTS AND AUTHORITIES

CLERK OF THE COURT

I. STATEMENT OF FACTS.

IN THE INSTANT CASE NUNN WAS CHARGED AFTER A GRAND JURY PROCEEDING WITH
BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM

OCCURRING ON MAY 27, 2018 AND BATTERY WITH USE OF DEADLY WEAPON OCCURRING ON JUNE 3, 2018. THE FOLLOWING FACTS ARE PERTAINING TO THE SPECIFIC EVENTS FROM MAY 27, 2018 AND JUNE 3, 2018 AS LAID OUT BY WITNESS TESTIMONY AT THE GRAND JURY AND AT THE TEMPORARY PROTECTIVE ORDER HEARING WHICH HAS CONFLICTING STATEMENTS. MR ANTHONY GOLDSTEIN SAID THE TEMPORARY PROTECTION ORDER TRANSCRIPT DID NOT EXIST OR WASNT RECORDED, NUNN WAS AT THE HEARING AND IMMEDIATLY PUT IN A MOTION TO WITHDRAW COUNSEL BECAUSE OF HIS UNWILLINGNESS TO WORK WITH NUNN ON RETREIVING EVIDENCE TO SUBMIT TO THE RECORD. NUNN WAS DENIED ACCESS THROUGH THE DISTRICT COURT TO WITHDRAW COUNSEL AND APPOINT ALTERNATE COUNSEL. BEING FORCED TO KEEP COUNSEL OR REPRESENT HIMSELF, NUNN CHOSE TO KEEP COUNSEL AND WORK FROM A DIFFERENT ANGLE. BEFORE GETTING INTO THE OTHER ANGLE HERE ARE THE CONFLICTING STATEMENTS:

GRAND JURY TRANSCRIPTS: PRINCE ALIDU TESTIFIED THAT HE WAS AT THE YOURSTOP LIQUOR STORE ON MAY 27, 2018. GJ VOL 1, PAGE 16, LINE 14-15. AT THAT TIME, HE STATED THAT HE WAS APPROACH BY NUNN WHO WAS ASKING FOR 50 CENTS. ALIDU TOLD NUNN THAT HE DID NOT HAVE 50 CENTS TO GIVE HIM. GJ VOL 1, PAGE 16, LINE 17. AFTER THAT, NUNN ALLEGEDLY STARTED CALLING HIM NAMES AND EVENTUALLY WALKED AWAY. EVEN THOUGH THERE'S NO LOTTERING AT THIS STORE ALIDU TESTIFIED THAT HE WAS THERE A FEW MINUTES LATER WHEN NUNN RETURNED WITH A TOOL IN HIS HAND. GJ VOL 1, PAGE 17, LINES 7-10 THE TOOL WAS IDENTIFIED AS A NINE TO TWELVE INCH PAIR OF PLIERS. GJ VOL 1, PAGE 17, LINES 15-16 AND PAGE 18, LINES 1-2. IN RESPONSE TO THE STATES QUESTION, ALIDU TESTIFIED THAT NUNN THEN ALLEGEDLY HIT HIM IN THE FACE WITH THE PLIERS. GJ VOL 1, PAGE 18, LINES 4-9. CASE NO. C-18-336184-1...

THE FOLLOWING IS PRINCE ALIDU TESTIFYING AT THE TPO HEARING AND IS NEW EVIDENCE THAT WAS NOT SUBMITTED ON THE RECORD BY NEITHER ANTHONY GOLDSTEN NOR

MARISA BORDER, CURRENT COUNSEL, BECAUSE ANTHONY GOLDSTEIN DIDN'T FIND THEM TO GIVE TO COUNSEL FOR MARISA BORDER TO ADDRESS THE NEW EVIDENCE IN THE POST-CONVICTION WRIT OF HABEAS CORPUS. TEMPORARY PROTECTION ORDER CASE NO. 18PO0861 PRINCE ALIDU TESTIFIED TO THE FOLLOWING JUNE 19, 2018:

TEMPORARY PROTECTION ORDER TRANSCRIPTS: TPO PAGE 9, LINES 14-25.

MR. ALIDU: THE WAY IT STARTED, THERE IS A LADY THAT I WAS TALKING TO. THEN HE JUMP IN. HE SAID, WHAT DID YOU SAY TO THAT LADY? I SAID, I NEVER SAID NOTHING.

I DONT EVEN KNOW THE LADY'S NAME. I DONT KNOW HIS NAME IN THE POLICE REPORT. SO THEN HE CAME IN AND SAID, WHAT DID YOU SAY TO THE LADY? I DIDN'T SAY NOTHING TO THE LADY. THEN THAT WAS IT. THEN HE GOT UPSET BEFORE I SEE HIM DISAPPEAR. THE NEXT 15 MINUTES HE CAME BACK.

THE COURT: AND THEN JUST OUT OF THE CLEAR BLUE? - - TPO PAGE 9, LINE 1 AND 2:

MR. ALIDU: OUT OF THE CLEAR BLUE.

THE COURT: HIT YOU UPSIDE THE HEAD?

ALREADY PRINCE ALIDU FLIPS HIS TESTIMONY FROM NUNN ASKING FOR 50 CENTS, TO NUNN ASKING WHAT HE SAID TO SOME LADY. HE ALSO SWITCH HIS TESTIMONY FROM SAYING NUNN WAS GONE A FEW MINUTES TO NUNN BEING GONE 15 MINUTES.

THE COURT ALSO HAD A HARD TIME BELIEVING THAT THE INCIDENT MAY 27, 2018 WAS UNPROVOKED: TPO PAGE 12, LINES 15-25. THE COURT: SO, MR. ALIDU, I HAVE TO BE HONEST WITH YOU, I HAVE A HARD TIME BELIEVING THAT THIS WAS UNPROVOKED.

MR. ALIDU: IT IS MA'AM.

THE COURT: I KNOW YOU ARE GOING TO TELL ME THAT AND YOU'RE REALLY GOOD AT IT, BUT I DON'T BELIEVE THAT BECAUSE I'VE LIVED LONG ENOUGH TO KNOW

FOLKS JUST NORMALLY-- UNLESS THERE IS SOMETHING-- BUT USUALLY THERE IS SOMETHING THAT PROVOKES FOLKS TO HIT OTHER PEOPLE. AND I AM TRYING TO UNDERSTAND WHAT IT WAS AND I DON'T KNOW IF YOU LIKE WHAT'S BEING TPO PAGE 13 LINES 1-25: SAID ABOUT YOU. AND YOU TRAVEL IN A PACK AND SO-- YOU KNOW WHAT I'M SAYING. SO WHENEVER YOU SEE HIM, IT SEEMS TO ME AS THOUGH HE'S THE ONE THAT'S GOING TO BE ON THE LOSING END. IF I WAS HIM, I'D BE CARRYING TOO BECAUSE I NEVER KNOW WHEN YOU GOING TO COME WITH YOUR FOLKS.

MR. ALIDU: I'M JUST BY MYSELF

THE COURT: NO, YOU'RE--

MR. ALIDU: I GOT A FEW FRIENDS.

THE COURT: -- WITH AT LEAST TWO, THREE OTHER FOLKS WHEN YOU WALK TO THE LIQUOR STORE, WHEN YOU GO TO OTHER PLACES.

MR. ALIDU: NOT TRUE.

THE COURT: YOU GUYS LIVE TWAIN AND SWENSON. IT OUGHT TO BE TRUE IF IT IS NOT BECAUSE YOU DON'T WANT TO WALK OUT THERE AT NIGHT.

MR. ALIDU: I DON'T GO OUT LOOKING FOR TROUBLE. I WALK BY MYSELF.

THE COURT: IT'S A TROUBLE AREA, BUT YOU'RE GOING TO BE WITH YOUR FOLKS; RIGHT?

MR. ALIDU: I DON'T HAVE NO FOLKS. JUST ME. WHEN I GO OUTSIDE I DON'T HIDE FROM ANYBODY.

THE COURT: EVEN THIS REPORT THAT YOU'VE GIVEN ME DOESN'T SUPPORT THAT. DOES NOT SUPPORT IT.

... CASE NO. 18PO0861... STATEMENT OF FACTS II... JUNE 19, 2018...

PRINCE LATER BELLIED THE RECORD AND BROUGHT UP A SECOND INCIDENT
JUNE 19, 2018 TEMPORARY PROTECTION ORDER HEARING PAGE 15, LINE 2-22

COURT: SO WHAT IS THE SECOND INCIDENT?

(4)

... NEW EVIDENCE CONTINUATION... TPO PAGE 5, LINES 2-22. CASE NO 18PO0861.

MR. ALIDU: HE PULLED A GUN ON ME.

THE COURT: HE PULLED A GUN ON YOU?

MR. ALIDU: YES.

THE COURT: FOR NO REASON?

MR. ALIDU: A DIFFERENT NIGHT AGAIN FOR NO REASON.

THE COURT: DIDN'T HAVE ANYTHING TO DO WITH THE BEEF AT THE LIQUOR STORE?

MR. ALIDU: NOTHING TO DO WITH THE LIQUOR STORE.

THE COURT: SO WHAT HAPPENED? HE JUST WALKED UP TO YOU OUT OF THE CLEAR BLUE?

MR. ALIDU: HE JUST WALK UP TO ME AND PULL A GUN.

THE COURT: WHAT TIME WAS IT?

MR. ALIDU: THAT'S ABOUT NIGHT TIME OR IN THE MORNING.

THE COURT: DID HE PULL IT OR DID HE SHOW IT TO YOU?

MR. ALIDU: HE PULL IT.

CONTRADICTION #2. PRINCE TESTIFIED TO GRAND JURY THAT NUNN HIT HIM WITH GUN!!!

... TPO PAGE 16, LINES 3-24 CASE NO. 18PO0861 JUNE 19, 2018. ...

THE COURT: HE PULLED IT AND WALKED AWAY?

MR. ALIDU: POLICE WAS CALLED

THE COURT: HE PULLED A GUN ON YOU AND YOU PULLED OUT YOUR PHONE AND CALLED THE POLICE?

MR. ALIDU: I DID.

THE COURT: WOW. THAT IS RARE. AND YOU DIDN'T EVEN GET SHOT OR ANYTHING?

MR. ALIDU: I'M SURPRISED HE DIDN'T SHOOT ME.

THE COURT: HE DIDN'T TRY TO STOP YOU FROM CALLING THE POLICE OR ANYTHING?

MR. ALIDU: NO. I WALKED AWAY.

... CONTINUATION FROM TPO PAGE 16, LINES 3-24... CASE NO. 18PO0861...

THE COURT: YOU WALKED AWAY FROM THE GUN?

MR. ALIDU: I WALKED AWAY AND I GOT WITNESS.

THE COURT: SO YOU WEREN'T REALLY SCARED?

MR. ALIDU: NO--

THE COURT: BECAUSE YOU HAD YOUR BOYS THERE.

MR. ALIDU: LIKE YOU SAID, SHOOT ME THEN. THIS BOY RIGHT HERE-- MA'AM, I AM JUST BEING HONEST WITH YOU, I WOULD NEVER LET HIM TOUCH ME AGAIN.

...TPO PAGE 17 LINES 18-25, AND PAGE 18, LINES 1-6 CASE NO. 18PO0861...

THE COURT: WELL, HE PULLED A GUN ON YOU. YOU WALKED AWAY AND CALLED THE POLICE. I HAVE NEVER HEARD ABOUT PEOPLE WHO GET-- YOU KNOW, IF SOMEBODY PULLS A GUN, NORMALLY YOU DO WHAT THEY SAY DO, NOT WHAT YOU WANT TO DO, BUT YOU WEREN'T EVEN WORRIED ABOUT IT.

MR. ALIDU: UNLESS YOU WANT TO SCARE ME FOR THAT NOW.

THE COURT: HE SCARED YOU. YOU THINK YOU THOUGHT YOU WERE SCARED, YOU WALKED AWAY AND CALLED THE POLICE..

MR. ALIDU: I DID

THE COURT: YOU WEREN'T REALLY SCARED.

MR. ALIDU: I GOT TO DO WHAT I DO.

MR. ALIDU ADMITTED UNDER OATH THAT HE WAS NOT ASSAULTED JUNE 3, 2018!!!

... HABEAS CORPUS... STATEMENT OF FACTS III... NOV 5, 2019...

MORE NEW EVIDENCE FOUND CONTRADICTION #4... ALIDU WAS AGGREGATOR

WHEN RELEASE ON PROBATION AND HIGH LEVEL HOUSE ARREST WHILE HOMELESS, NUNN LEARNED OF A NEW WITNESS TO THE EVENTS TRANSPIRING ON MAY 27, 2018. THIS NEW WITNESS, ENDALKACHEW MEKONNEN, WAS FOUND AND INTERVIEWED BY UNDERSIGNED COUNSEL MARISA BORDER'S INVESTIGATOR MARK PREUSCH. MR. MEKONNEN INFORMED

(6)

INVESTIGATOR PREUSCH THAT HE WAS PRESENT AT THE YOURSTOP LIQUOR STORE AND WATCHED THE INTERACTION BETWEEN MR. ALIDU AND NUNN. MR. MEKONNEN WHO WORKS AT YOURSTOP LIQUOR STORE STATED THAT MR. ALIDU WAS THE PRIMARY AGGRESSOR AND HE AGGRESSIVELY WALKED TOWARDS NUNN. NUNN CONTINUOUSLY BACKED UP TO AVOID A CONFRONTATION. IT WAS ONLY ONCE BACKED INTO A CORNER THAT NUNN REACTED BY SWINGING A WRENCH AT MR. ALIDU, THE ROBER, DEFENDING HIMSELF FROM A ROBBERY.

THIS WITNESS WAS UNKNOWN TO DEFENDANT NUNN AND HIS ATTORNEY AT THE TIME THE GUILTY PLEA AGREEMENT WAS ENTERED INTO. AS SUCH, BASED UPON THIS NEW EVIDENCE, NUNN IS REQUESTING AN EVIDENTIARY HEARING AND POSSIBLE WITHDRAW OF HIS GUILTY PLEA.

PROCEEDURAL HISTORY IV

AFTER NUMEROUS MOTIONS TO DISMISS COUNSEL, WHICH WAS GRANTED, A GUILTY PLEA AGREEMENT WAS ENTERED INTO ON JUNE 6, 2019. SENTENCING WAS HELD JUNE 11, 2019. ON AUGUST 20, 2019 THE COURT WITHDREW MR. GOLDSTEIN AS COUNSEL AND APPOINTED UNDERSIGNED COUNSEL MARISA BORDER, ESQ. TO EXPLORE POSSIBLE ISSUES TO SUBSTANTIATE A MOTION TO WITHDRAW THE GUILTY PLEA AGREEMENT. COUNSEL LEARN AND INVESTIGATED A NEW WITNESS AND FILED A POST-CONVICTION WRIT OF HABEAS CORPUS WHICH WAS DENIED IN THE DISTRICT COURT AND THIS PETITION FOR **SECOND WRIT OF HABEAS CORPUS** IN DISTRICT COURT FOLLOWS.

GROUND FOR RELIEF

CLAIM TWO: MAY 24, 2019 HONORABLE JUDGE MARY KAY HOLTHUS

TOLD NUNN IF HE TAKES THE PLEA SHE'LL GIVE HIM HOUSE ARREST. NEW EVIDENCE, IN ADDITION TO THE EVIDENCE PRESENTED AT THE GRAND JURY AND CLAIM ONES HABEAS CORPUS POST-CONVICTION PETITION, PERSUASIVELY DEMONSTRATES NUNN WAS ACTING IN SELF DEFENSE AND THEREFORE INNOCENT OF THE CHARGES STEMMING FROM MAY 27, 2018. MORE NEW EVIDENCE PERSUASIVELY DEMONSTRATES THAT NUNN WAS ACTUALLY INNOCENT OF CHARGES STEMMING FROM JUNE 3, 2018. AS SUCH, NUNN IS IMPRISONED IN VIOLATED ON HIS RIGHT TO DUE PROCESS UNDER THE FIFTH AND FOURTEENTH AMENDMENTS. NUNN'S PLEA AGREEMENT WAS ALSO VIOLATED WHEN DISTRICT ATTORNEY MEGAN THOMPSON WENT OUT OF THE SCOPE OF THE PLEA AGREEMENT AND ARGUED ON THE RECORD, WHEN THE PLEA AGREEMENT CLEARLY STATES, NO RIGHT TO ARGUE. JUDGE MARY KAY HOLTHUS SENTENCED NUNN TO A 3-10 YEAR PRISON TERM AND VIOLATED THE STIPULATED 2-5 YEAR AGREEMENT. NUNN DID NOT RECEIVE EXACTLY WHAT HE BARGAIN FOR IN THE GUILTY PLEA AGREEMENT, IN FACT, HE DIDN'T RECEIVE ANYTHING OUT OF THE STIPULATED AGREEMENT, NOV 12, 2019. HIS SECOND AMENDMENT RIGHT TO BEAR ARMS WAS ALSO VIOLATED AS NUNN WAS NOT A FELON. NUNN ALSO HAD IRRECONCILABLE DIFFERENCES WITH ATTORNEY GOLDSTEIN.

IN SCHUP V. DELO, THE UNITED STATES SUPREME COURT FOUND THAT THE STANDARD A HABEAS PETITIONER MUST MEET TO ESTABLISH A CLAIM OF ACTUAL INNOCENCE TO OVERCOME THE PROCEDURAL BARS REQUIRES A PETITIONER TO SHOW THAT "A CONSTITUTIONAL VIOLATION

HAS PROBABLY RESULTED IN THE CONVICTION OF ONE WHO IS ACTUALLY INNOCENT." *Schlup v. Delo*, 513 U.S. 298, 327, 115 S. Ct. 851, 867, 130 L. Ed. 2d 808 (1995). TO ESTABLISH THE REQUISITE PROBABILITY, THE PETITIONER MUST SHOW THAT IT IS MORE LIKELY THAN NOT THAT NO REASONABLE JUROR WOULD HAVE CONVICTED HIM IN THE LIGHT OF THE NEW EVIDENCE. THE PETITIONER THUS IS REQUIRED TO MAKE A STRONGER SHOWING THAN THAT NEEDED TO ESTABLISH PREJUDICE.

IN ASSESSING THE ADEQUACY OF A PETITIONER'S SHOWING, THE DISTRICT COURT IS NOT BOUND BY THE RULES OF ADMISSIBILITY THAT WOULD GOVERN AT TRIAL. INSTEAD, THE EMPHASIS ON "ACTUAL INNOCENCE" ALLOWS THE COURT TO CONSIDER THE PROBATIVE FORCE OF RELEVANT EVIDENCE THAT WAS EITHER EXCLUDED OR UNAVAILABLE AT TRIAL. *Id.* at 327-328. THE COURT MUST MAKE ITS DETERMINATION CONCERNING THE PETITIONER'S INNOCENCE "IN LIGHT OF ALL THE EVIDENCE, INCLUDING THAT ALLEGED TO HAVE BEEN ILLEGALLY ADMITTED (BUT WITH DUE REGARD TO ANY UNRELIABILITY OF IT) AND EVIDENCE TENABLY CLAIMED TO HAVE BEEN WRONGFULLY EXCLUDED OR TO HAVE BECOME AVAILABLE ONLY AFTER TRIAL." *Id.* at 328.

THE MEANING OF ACTUAL INNOCENCE DOES NOT MERELY REQUIRE A SHOWING THAT A REASONABLE DOUBT EXISTS IN THE LIGHT OF NEW EVIDENCE, BUT RATHER THAT NO REASONABLE JUROR WOULD HAVE FOUND THE DEFENDANT GUILTY. IT IS NOT THE DISTRICTS COURTS

INDEPENDENT JUDGEMENT AS TO WHETHER REASONABLE DOUBT EXISTS; THE STANDARD REQUIRES THE DISTRICT COURT TO MAKE A PROBABILISTIC DETERMINATION ABOUT WHAT REASONABLE PROPERLY INSTRUCTED JURORS WOULD DO. THUS, A PETITIONER DOES NOT MEET THE THRESHOLD REQUIREMENT UNLESS HE PERSUADES THE DISTRICT COURT, IN LIGHT OF THE NEW EVIDENCE, THAT NO JUROR ACTING REASONABLY, WOULD HAVE VOTED TO FIND HIM GUILTY BEYOND A REASONABLE DOUBT. *Id.* at 329. THE WORD "REASONABLE" IN THAT FORMULATION IS NOT WITHOUT MEANING. *Id.* IT MUST BE PRESUMED THAT A REASONABLE JUROR WOULD CONSIDER FAIRLY ALL OF THE EVIDENCE PRESENTED. *Id.* IT MUST ALSO BE PRESUMED THAT SUCH A JUROR WOULD CONSCIENTIOUSLY OBEY THE INSTRUCTIONS OF THE TRIAL COURT REQUIRING PROOF BEYOND A REASONABLE DOUBT. *Id.*

NEWLY PRESENTED EVIDENCE MAY INDEED CALL INTO QUESTION THE CREDIBILITY OF THE WITNESSES PRESENTED AT TRIAL. *Id.* at 30. IN SUCH A CASE, THE COURT MAY HAVE TO MAKE SOME CREDIBILITY ASSESSMENTS. *Id.* ALSO, AND MORE FUNDAMENTALLY, THE FOCUS OF THE INQUIRY IS ON THE LIKELY BEHAVIOR OF THE TIER OF FACT. *Id.*

COURTS HAVE HELD THAT AN EVIDENTIARY HEARING REGARDING ACTUAL INNOCENCE IS REQUIRED WHERE THE NEW EVIDENCE, "IF CREDITED," WOULD SHOW THAT IT IS MORE LIKELY THAN NOT THAT NO REASONABLE JURY WOULD FIND THE PETITIONER GUILTY BEYOND A REASONABLE DOUBT. SEE *Berry v. STATE*, 131 NEV. ADV. OP. 96, 363 P.3d. 1148, 1155 (2015);

CONCLUSION

BASED ON THE FOREGOING, NUNN'S CONVICTION IS UNCONSTITUTIONAL UNDER THE FEDERAL AND STATE CONSTITUTIONS FOR THE REASONS STATED HEREIN. "ACTUAL INNOCENCE" MEANS FACTUAL INNOCENCE, NOT MERELY LEGAL INSUFFICIENCY." BOUSLEY V. UNITED STATES 523 U.S. 614, 623-24 (1992). NUNN ALSO WAS NOT CANVASSED ON HIS UNDERSTANDING OF THE CONSEQUENCES OF HIS PLEA OR THE RANGE OF PUNISHMENT ON THE RECORD. NUNN WAS ALSO PROMISED LENIENCY, "HOUSE ARREST," MAY 24, 2019 BY JUDGE MARY KAY HOLTHUS. GOOD CAUSE EXISTS FOR CONSIDERATION OF THESE CLAIMS. MR. NUNN'S JUDGMENT MUST THEREFORE BE VACATED.

THE NEVADA SUPREME COURT HAS HELD THAT A POST-CONVICTION HABEAS PETITIONER "IS ENTITLED TO A POST-CONVICTION EVIDENTIARY HEARING WHEN HE ASSERTS CLAIMS SUPPORTED BY SPECIFIC FACTUAL ALLEGATIONS NOT BELLIED BY THE RECORD THAT, IF TRUE, WOULD ENTITLE HIM TO RELIEF." McConnell, 125 Nev. 243, 212 P.3d at 314. IN THE INSTANT MATTER, NUNN HAS ASSERTED A CLAIM, WHICH, BASED ON THE FOREGOING, IS CLEARLY SUPPORTED BY SPECIFIC FACTUAL ALLEGATIONS THAT WOULD ENTITLE HIM TO RELIEF. IF NOT IMMEDIATELY GRANTED, ALTERNATIVELY, THIS COURT SHOULD GRANT NUNN AN EVIDENTIARY HEARING TO RESOLVE HIS CLAIMS OF ACTUAL INNOCENCE.

NUNN AND COURT APPOINTED ATTORNEY ANTHONY GOLDSTEIN HAD IRRECONCILABLE DIFFERENCES AND ARGUED ON THE RECORD MULTIPLE TIMES INCLUDING MAY 24, 2019. THE DIFFERENCES

WERE SO BAD THAT NUNN FILED A LAWSUIT CASE NUMBER: 2:19-CV-01543-RFB-BNW NUNN ~~II~~ V. GOLDSTEIN. AFTER NUNN CONFIRMED MR GOLDSTEIN LIED ABOUT HIS INVESTIGATIONS DURING THE CASE, THE PRESENCE AND ADVICE OF COUNSEL IS A SIGNIFICANT FACTOR IN DETERMINING THE VOLUNTARINESS OF A GUILTY PLEA. Patton v. Warden, 91 Nev. 1, 2, 530 P.2d 1071 (1975). WHEN PROSECUTOR MEGAN THOMPSON VIOLATED THE PLEA AGREEMENT BY ARGUING ON THE RECORD, INSTEAD OF MR GOLDSTEIN POINTING OUT THAT SHE WENT AGAINST THE PLEA AGREEMENTS AGREEMENT THAT THE PROSECUTOR HAS NO RIGHT TO ARGUE, HE SAYS, "I AGREE WITH EVERYTHING THE PROSECUTION JUST SAID". IT WAS AS IF NUNN HAD NO ATTORNEY AT ALL ON NOV 12, 2019. IN SAYING: SO I NOW SUBMIT. THIS CASE IS A ROBBERY GONE WRONG WHERE NUNN DEFENDED HIMSELF BOTH TIMES.

S A I D D E C L A R A T I O N M A D E S U B J E C T T O T H E P E N A L T Y O F P E R J U R Y



PETITIONER

DATED Jan 18, 2020

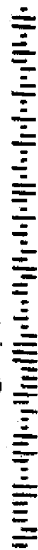
SAMMIE NUNN

PRINTED NAME

SAMMIE NUNN #1226304
HDSP
P.O. BOX 650
INDIAN SPRINGS, NV 89070

STEVEN D. GRIERSON,
CLERK OF THE COURT
200 LEVVIS AVENUE
3RD FLOOR
LAS VEGAS NV 89155

33 LRDENMP 85155





ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LAURA GOODMAN
Deputy District Attorney
Nevada Bar #013390
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

SAMMIE NUNN,
#2751864

Defendant.

CASE NO: C-18-336184-1

DEPT NO: XVIII

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S
MOTION TO WITHDRAW COUNSEL AND MOTION TO APPOINT APPELLANT
COUNSEL**

DATE OF HEARING: January 14, 2020
TIME OF HEARING: 9:00 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 14th day of January, 2020, the Defendant being present, Represented by, ANTHONY M. GOLDSTEIN, ESQ., the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through LAURA GOODMAN, Deputy District Attorney, and the Court having heard the arguments of counsel and good cause appearing therefor,

///

///

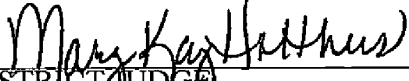

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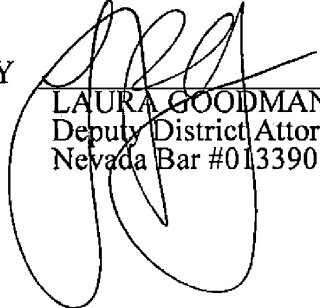
1 IT IS HEREBY ORDERED that the Defendant's Motion to Withdraw Counsel and
2 Motion to Appoint Appellant Counsel, shall be, and it is GRANTED IN PART/DENIED IN
3 PART. Court noted Motion was granted to the extent of withdrawing Mr. Goldstein; however,
4 denied as to appointing new appellant counsel due to appeal already being filed.

5 DATED this 27 day of January, 2020.

6 
7 DISTRICT JUDGE 

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


10
11 BY


12 LAURA GOODMAN
13 Deputy District Attorney
14 Nevada Bar #013390
15

16 CERTIFICATE OF SERVICE

17 I certify that on the 28th day of January, 2020, I mailed a copy of the foregoing
18 Order to:

19 SAMMIE NUNN, ID #2751864
20 CCDC
21 330 SO. CASINO CENTER BLVD.
LAS VEGAS, NV 89101

22
23
24 BY 
25 Secretary for the District Attorney's Office
26
27

28 18F11438X/ckb/L4

FILED

FEB 04 2020

CLERK OF COURT

27

PPOW

DISTRICT COURT
CLARK COUNTY, NEVADA

SAMMIE NUNN,

Petitioner,

vs.

STATE OF NEVADA,

Respondent,

Case No: C-18-336184-1
Department 18

ORDER FOR PETITION FOR
WRIT OF HABEAS CORPUS

Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on January 24, 2020. The Court has reviewed the Petition and has determined that a response would assist the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and good cause appearing therefore,

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

IT IS HEREBY FURTHER ORDERED that this matter shall be placed on this Court's

Calendar on the 12 day of March, 2020, at the hour of

9:00 clock for further proceedings.


District Court Judge

C-18-336184-1
OPWH
Order for Petition for Writ of Habeas Corpus
4893134



FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

FEB 18 2020

BY, Daralporke
DARAYORKE, DEPUTY

1 **ORDR**

2 TERRENCE M. JACKSON, ESQ.
3 Nevada Bar No. 00854
4 Law Office of Terrence M. Jackson
5 624 South Ninth Street
6 Las Vegas, NV 89101
7 T: 702-386-0001 / F: 702-386-0085
8 Terry.jackson.esq@gmail.com

9 *Counsel for Defendant, Sammie Nunn*

10 IN THE EIGHTH JUDICIAL DISTRICT COURT
11 CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,)

District Case No.: C-18-336184-1

13 Plaintiff,)

Dept.: XVIII

14 v.)

15 SAMMIE NUNN,
16 # 1226304,

17 Defendant.)

18 **ORDER APPOINTING COUNSEL**

19 THIS MATTER having come before the Court, and the Court finding good cause therefore,

20 IT IS HEREBY ORDERED, ADJUDGED and DECREED that attorney TERRENCE M.

21 JACKSON, ESQUIRE, be appointed to represent Sammie Nunn, in Case number: C-18-336184-1.

22 DATED this 18th day of February, 2020.

23 Mark B. Hall
DISTRICT COURT JUDGE

24 Respectfully Submitted on

25 this 18th day of February, 2020.

26 Terrence M. Jackson
27 Terrence M. Jackson Esq.

28 C-18-336184-1
ORDR
Order
4896720





1 **RSPN**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JOHN NIMAN
6 Deputy District Attorney
7 Nevada Bar #014408
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,
11 -vs-
12 SAMMIE NUNN, 2751864
13 Defendant.

CASE NO: C-18-336184-1
DEPT NO: XVIII

STATE'S RESPONSE AND MOTION TO DISMISS
PETITION FOR WRIT OF HABEAS CORPUS

DATE OF HEARING: MARCH 12, 2020
TIME OF HEARING: 9:00 AM

18 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
19 District Attorney, through JOHN NIMAN, Deputy District Attorney, and hereby submits the
20 attached Points and Authorities in Response to Petitioner's Petition for Writ Of Habeas
21 Corpus, and in support of its Motion to Dismiss the same.

22 This Response and Motion is made and based upon all the papers and pleadings on file
23 herein, the attached points and authorities in support hereof, and oral argument at the time of
24 hearing, if deemed necessary by this Honorable Court.

25 //

26 //

27 //

28 //

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On November 14, 2018, Sammie Nunn (hereinafter "Petitioner") was charged by way
4 of Indictment with one count of BATTERY WITH USE OF A DEADLY WEAPON
5 RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony – NRS 200.481) and
6 one count of BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony – NRS
7 200.481) for his actions on or between May 27, 2018 and June 3, 2018.

8 On June 6, 2019, pursuant to a Guilty Plea Agreement ("GPA"), Petitioner pled guilty
9 to one count of BATTERY WITH USE OF A DEADLY WEAPON. As part of the GPA, the
10 parties agreed that the State would not oppose probation, and would not oppose Petitioner's
11 release on house arrest after the entry of Petitioner's plea. The parties also stipulated to an
12 underlying sentence of two (2) to five (5) years in the Nevada Department of Corrections
13 ("NDOC"). GPA at 1. The Court canvassed Petitioner and accepted Petitioner's guilty plea.

14 On June 11, 2019, Petitioner was adjudged guilty and was sentenced to a minimum of
15 forty-eight (48) to one hundred twenty (120) months in NDOC. Petitioner's sentence was
16 suspended, and Petitioner was placed on probation for a term not to exceed five (5) years.
17 Petitioner was also placed on house arrest.

18 On July 10, 2019, a Violation Report was filed, indicating Petitioner had violated the
19 terms of his probation by failing to abide by the curfew restrictions and by consuming
20 controlled substances. While the revocation proceedings were ongoing, on July 15, 2019,
21 Petitioner filed a Motion to Dismiss Counsel and Appoint Alternate Counsel. Petitioner's
22 Motion to Dismiss Counsel was granted, for the limited purpose of having alternate counsel to
23 determine whether there were grounds to withdraw Petitioner's guilty plea.

24 On October 10, 2019, Petitioner filed a Post-Conviction Petition for Writ of Habeas
25 Corpus (his "first Petition"). In his first Petition, Petitioner raised a single argument: a new
26 witness, E. Mekonnen, could testify to Petitioner's actual innocence. First Petition at 5-6. The
27 State filed its Response to Petitioner's first Petition on October 16, 2019. The Court denied
28 Petitioner's first Petition on November 5, 2019.

1 On November 14, 2019, the Court conducted a hearing regarding the revocation of
2 Petitioner's probation. Following arguments by the parties, the Court found that Petitioner
3 violated his probation and revoked the same. The Court modified Petitioner's sentence of
4 imprisonment to thirty-six (36) to one hundred twenty (120) months in NDoC. The Court gave
5 Petitioner five hundred ten (510) days credit for time served.

6 On January 24, 2020, Petitioner filed the instant Post-Conviction Petition for Writ of
7 Habeas Corpus (the "instant Petition").

8 STATEMENT OF FACTS

9 On May 27, 2018, Prince Alidu (the "Victim") was at Your Stop Liquor, a convenience
10 store, when he was approached by Petitioner, who asked Victim for fifty (50) cents. Grand
11 Jury Transcript, Tuesday, November 6, 2018 ("GJT") at 16. Victim told Petitioner he did not
12 have the money, after which Petitioner's female friend angrily approached Victim. Id.
13 Petitioner then came back to Petitioner and called him names. Id. at 17. Victim asked Petitioner
14 to leave him alone, and Petitioner left to the nearby apartment complex. Id. A few minutes
15 later, however, Petitioner came back with a tool in his hand. Id. Victim described the tool as
16 being approximately one foot long. Id. at 17-18. Petitioner hit Victim in the face with the tool,
17 resulting in significant bleeding and an eventual scar. Id.

18 Officer Vesperas was in the area of Your Stop Liquor on May 27, 2018, when he was
19 flagged down by a pedestrian. GJT at 6-7. That pedestrian directed Vesperas' attention to
20 another individual down the street. Id. at 7. The individual to which Vesperas was directed had
21 a foot-long wrench in his hand. Id. Vesperas identified that individual as Petitioner. Id. at 8.

22 Petitioner told Vesperas that he had been attacked and had hit an attacker with the
23 wrench. GJT at 8. However, Vesperas did not notice any injuries that would require medical
24 attention, and Petitioner did not complain of any such injuries. Id. at 9.

25 Officer Hawkins also responded to the area of Your Stop Liquor on May 27, 2018. GJT
26 at 11. Hawkins came into contact with Victim, who was bleeding from his head. Id. at 12.
27 Victim identified Petitioner to Hawkins at the scene of the interaction. Id.

28 //

1 On June 3, 2018, Victim was again outside Your Stop Liquor when he was approached
2 by Petitioner. GJT at 20. At this encounter, Petitioner pulled out a handgun and again hit the
3 Victim over the head. Id. at 21.

4 ARGUMENT

5 **I. THE INSTANT PETITION IS SUCCESSIVE AND AN ABUSE OF THE WRIT**

6 NRS 34.810(2) states:

7 A second or successive petition *must* be dismissed if the judge or justice
8 determines that it fails to allege new or different grounds for relief and that the
9 prior determination was on the merits, or, if new and different grounds are
10 alleged, the judge or justice finds that the failure of the petitioner to assert those
grounds in a prior petition constituted an abuse of the writ.

11 (emphasis added). Application of NRS 34.810(2) is mandatory. State v. Eighth Judicial Dist.
12 Court (Riker), 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). Second or successive petitions
13 will only be decided on the merits if the petitioner can show good cause and prejudice. NRS
14 34.810(3); Lozada v. State, 110 Nev. 349, 358, 871 P.2d 944, 950 (1994).

15 The Nevada Supreme Court has stated: “Without such limitations on the availability of
16 post-conviction remedies, prisoners could petition for relief in perpetuity and thus abuse post-
17 conviction remedies. In addition, meritless, successive and untimely petitions clog the court
18 system and undermine the finality of convictions.” Lozada, 110 Nev. at 358, 871 P.2d at 950.
19 The Nevada Supreme Court has also recognized that, “[u]nlike initial petitions which certainly
20 require a careful review of the record, successive petitions may be dismissed based solely on
21 the face of the petition.” Ford v. Warden, 111 Nev. 872, 882, 901 P.2d 123, 129 (1995). In
22 other words, if the claim or allegation was previously available with reasonable diligence, it is
23 an abuse of the writ to wait to assert it in a later petition. McClesky v. Zant, 499 U.S. 467,
24 497-98, 111 S.Ct. 1454, 1472 (1991).

25 Petitioner acknowledges that the instant Petition is his second attempt for habeas corpus
26 relief. Instant Petition at 7. In fact, a review of the instant Petition reveals that it is substantially
27 the same as Petitioner’s first Petition. The only argument Petitioner raises is that a “new
28 witness” could corroborate Petitioner’s self-defense theory. Id. at 6-7. However, Petitioner

1 identifies the very same witness that was identified in his first Petition. Id. at 6; First Petition
2 at 5. Therefore, Petitioner has failed to allege new or different grounds for relief, and the prior
3 determination of his claim – in his first Petition – was on the merits. As such, Petitioner’s
4 instant Petition is successive and amounts to an abuse of the writ. NRS 34.810(2).

5 Because the instant Petition is successive and an abuse of the writ, the State respectfully
6 submits that it must be dismissed.

7 **II. PETITIONER FAILS TO DEMONSTRATE GOOD CAUSE¹**

8 To establish good cause, a petitioner must show that an impediment external to the
9 defense prevented his compliance with the applicable procedural rule. Clem v. State, 119 Nev.
10 615, 621, 81 P.3d 521, 525 (2003). An example of a qualifying impediment might be where
11 the factual or legal basis for the claim was not reasonably available at the time of the procedural
12 default. Id. The Clem Court explained that petitioners “cannot attempt to manufacture good
13 cause[.]” Id. at 621, 81 P.3d at 526. Other examples of good cause include interference by
14 State officials and the previous unavailability of a legal or factual basis. See State v. Huebler,
15 128 Nev. 192, 197, 275 P.3d 91, 95 (2012). To find good cause there must be a “substantial
16 reason; one that affords a legal excuse.” Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503,
17 506 (2003) (internal quotation omitted).

18 Petitioner does not attempt to argue good cause. To the extent that Petitioner is relying
19 on the alleged unavailability of the evidence as good cause, his claim is belied by the record.
20 See, Instant Petition at 2-3 (arguing that transcripts from a separate case constitute “new
21 evidence”). Additionally, Petitioner’s argument regarding “actual innocence” is insufficient,
22 as Petitioner fails to specifically claim that, based on any newly introduced evidence, no
23 reasonable juror would find him guilty of the crimes charged. See, Id. at 8-10. The transcripts
24 to which Petitioner refers are dated before Petitioner even took his plea in the instant case;
25 therefore, Petitioner was at the very least aware of the information presented at those hearings.

26
27
28 ¹ In order to conserve judicial resources, the State will only address whether Petitioner has
shown good cause; however, if this Court finds Petitioner has established good cause, the State
respectfully requests an opportunity to address whether Petitioner can demonstrate prejudice.

1 Because Petitioner cannot demonstrate good cause, Petitioner cannot overcome the
2 procedural bar to the instant Petition, and the same should be dismissed.

3 **III. PETITIONER HAS NOT DEMONSTRATED THE NEED FOR AN**
4 **EVIDENTIARY HEARING**

5 The Nevada Supreme Court has held that if a petition can be resolved without
6 expanding the record, then no evidentiary hearing is necessary. Marshall v. State, 110 Nev.
7 1328, 885 P.2d 603 (1994); Mann v. State, 118 Nev. 351, 356, 46 P.3d 1228, 1231. A
8 defendant is entitled to an evidentiary hearing if his petition is supported by specific factual
9 allegations, which, if true, would entitle him to relief unless the factual allegations are repelled
10 by the record. Marshall, 110 Nev. at 1331, 885 P.2d at 605; see also Hargrove v. State, 100
11 Nev. 498, 503, 686 P.2d 222, 225 (holding that “[a] defendant seeking post-conviction relief
12 is not entitled to an evidentiary hearing on factual allegations belied or repelled by the record”).
13 “A claim is ‘belied’ when it is contradicted or proven to be false by the record as it existed at
14 the time the claim was made.” Mann at 354, 46 P.3d at 1230 (2002). It is improper to hold an
15 evidentiary hearing simply to make a complete record. See Riker, 121 Nev. at 234, 112 P.3d
16 at 1076 (2005) (“The district court considered itself the ‘equivalent of . . . the trial judge’ and
17 consequently wanted ‘to make as complete a record as possible.’ This is an incorrect basis for
18 an evidentiary hearing.”).

19 The instant Petition is procedurally barred pursuant to NRS 34.810(2). Petitioner has
20 failed to demonstrate good cause or prejudice to overcome the procedural bar. Because the
21 instant Petition is barred, the State respectfully submits this Court must dismiss the instant
22 Petition; therefore, there is no reason to conduct an evidentiary hearing.

23 //

24 //

25 //

26 //

27 //

28 //

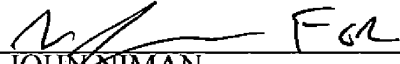
1 CONCLUSION

2 For the forgoing reasons, the State respectfully requests that the instant Petition for Writ
3 of Habeas Corpus be DISMISSED as procedurally barred, and Petitioner's Request for
4 Evidentiary Hearing be DENIED.

5 DATED this 25th day of February, 2020.

6 Respectfully submitted,

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

10 BY 
11 JOHN NIMAN
12 Deputy District Attorney
13 Nevada Bar #014408

14 CERTIFICATE OF MAILING

15
16 I hereby certify that service of the above and foregoing was made this 25th day of
17 February, 2020, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

18 Sammie Nunn, NDOC #1226304
19 HDSP
20 P. O. Box 650
21 Indian Springs, NV, 89070

22
23 BY 
24 Secretary for the District Attorney's Office

25
26
27
28 18F09747X/eg/L4

HABEAS CORPUS EXHIBIT-A
COURT DATE: MARCH 12, 2020

FILED
FEB 26 2020

John J. Blum
CLERK OF COURT

7

SAMMIE NUNN
PETITIONER
V.
THE STATE OF NEVADA
RESPONDANT

EXHIBIT A

RECEIVED

FEB 26 2020

CLERK OF THE COURT

CASE # C-18-336184-1

1 (holding that within the context of 28 U.S.C. § 2254(e)(2)(B) an evidentiary hearing “should be
2 granted if it could enable a habeas applicant to prove his petition’s factual allegations, which, if
3 true, would entitle him to federal habeas relief”); Jaramillo v. Stewart, 340 F.3d 877, 883 (9th
4 Cir.2003) (remanding for an evidentiary hearing to resolve whether the evidence proffered to
5 show actual innocence was credible because that “evidence if credible, and considered in light of
6 all the evidence, demonstrate[d] that it [was] more likely than not that no reasonable juror would
7 have convicted [the petitioner] of the charged offenses”); Amrine v. Bowersox, 128 F.3d 1222,
8 1229 (8th Cir.1997) (providing petitioner made a sufficient showing to require an evidentiary
9 hearing on his actual innocence allegation because, “if credited, his evidence could establish
10 actual innocence”).
11

12 **New Evidence Discovered**

13
14 When released on probation Nunn learned of a new witness to the events transpiring on
15 May 27, 2018. This new witness, Endalkachew Mekonnen, was found and interviewed by
16 undersigned counsel’s investigator Mark Preusch. Mr. Mekonnen informed investigator Preusch
17 that he was present at the Your Stop Liquor and watched the interaction between Mr. Alidu and
18 Nunn. Mr. Mekonnen stated that Mr. Alidu was the primary aggressor and he aggressively
19 walked towards Nunn. Nunn continuously backed up to avoid a confrontation. It was only once
20 backed into a corner that Nunn reacted by swinging a wrench at Mr. Alidu.
21

22 This witness was unknown to defendant Nunn and his attorney at the time the Guilty Plea
23 Agreement was entered into. As such, based upon this new evidence, Nunn is requesting an
24 evidentiary hearing and possible withdraw of his guilty plea.

25 Based on the foregoing, Nunn submits that he is actually innocent of Battery with Deadly
26 Weapon Resulting in Substantial Bodily Harm. When reviewing all the evidence, it is more likely

HABEAS CORPUS EXHIBIT-B
COURT DATE MARCH 12 2020

SAMMIE NUNN
✓ PETITIONER
THE STATE OF NEVADA
RESPONDANT

2

EXHIBIT-B

CASE # C-18-336184-1

1 CASE NO.

2 IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
3 COUNTY OF CLARK, STATE OF NEVADA

4 -oOo-

5

6 PRINCE ALIDU,)
7 Applicant,)
8 vs.)
9 SAMMIE NUNN,)
10 Adverse Party.)

COPY

CASE NO. 18PO0861

11

12 REPORTER'S TRANSCRIPT OF PROCEEDINGS

13

14

15 BEFORE THE HON. KAREN BENNETT-HARON

16 JUSTICE OF THE PEACE

17 Tuesday, June 19, 2018

18 10:45 A.M.

19

20 APPEARANCES:

21 For the Applicant: In Pro Per

22 For the Adverse Party: In Pro Per
23

24

25 Reported by: SHAWN E. OTT, CCR NO. 577

1 LAS VEGAS, CLARK COUNTY, NV, TUES., JUNE 19, 2018

2 10:45 A.M.

3 -oOo-

4 P R O C E E D I N G S

5 THE COURT: Prince Alidu versus Sammie
6 Nunn. And Prince Alidu will be over here and Sammie
7 Nunn will be over here.

8 Gentlemen, please remain standing so that
9 you can be sworn in by the clerk.

10 (Whereupon, all parties having been first
11 duly sworn to testify to the truth, the whole truth
12 and nothing but the truth testified as follows:)

13 THE CLERK: Please state your name for the
14 record.

15 MR. ALIDU: Prince Alidu.

16 MR. NUNN: Sammie Nunn.

17 THE CLERK: You may be seated.

18 THE COURT: So, Prince Alidu, why are we
19 here?

20 You had some stitches or something was
21 placed. You had an incident involving some
22 stitches?

23 MR. ALIDU: Yes, ma'am, and I got some
24 pictures here and a police report so you can look at
25 it.

1 THE COURT: Well, I don't need to see it.
2 You gave me an event number and you said they were
3 called because you were hit in the face with Dewalt
4 plus lock pliers. EMTs were called. You are doing
5 okay now. You got one to eight stitches.
6 So that happened on May 27th?
7 MR. ALIDU: Yes.
8 THE COURT: And then you came in here and
9 you decided that you were going to file an
10 application for a protective order?
11 MR. ALIDU: Yes.
12 THE COURT: Are you suggesting that
13 Mr. Nunn hit you in the face with the pliers?
14 MR. ALIDU: Yes, he's the one who did it.
15 THE COURT: He is the one who did it?
16 MR. ALIDU: Yes, ma'am.
17 THE COURT: What's going on, because you
18 say you guys don't have any kind of relationship? So
19 he just walked up off the street --
20 MR. ALIDU: It was just like a little bit
21 of misunderstanding and I been knowing him in the
22 neighborhood.
23 THE COURT: So you all live in the
24 neighborhood together. So did the police suggest to
25 you that you get a temporary protective order?

1 MR. ALIDU: Yes.

2 THE COURT: Why? Is the beef over or
3 not?

4 MR. ALIDU: It's not over. Even after
5 that incident, again the police was called and I got
6 the report right here, second incident again.

7 THE COURT: Justin, let me have that.

8 Mr. Nunn, you know about this? I'm not
9 asking you to incriminate yourself because you may
10 end up with criminal charges, but do you know about
11 the police being called on two separate occasions
12 involving you?

13 MR. NUNN: Yes.

14 THE COURT: And what is you all's
15 relationship? Were you friends or not friends
16 anymore or what's going on?

17 MR. NUNN: He don't like some of the
18 people I hang out with. So him and his group of
19 people started messing on the side and tried to catch
20 me slipping so --

21 THE COURT: Okay. So everybody -- you all
22 live in the same community?

23 MR. NUNN: Uh-huh. He stay two doors away
24 from me.

25 THE COURT: Okay. So at one time were you

1 all friends?

2 MR. NUNN: I stay by myself.

3 THE COURT: I got you.

4 MR. NUNN: But he got a group that live
5 over there.

6 THE COURT: I got you. So do you all
7 live -- you live two doors down. Were you at one
8 time friends?

9 MR. NUNN: We was okay, but we didn't
10 really end up being friends. I don't know where he
11 going. People act funny when --

12 THE COURT: I got you.

13 MR. NUNN: We all drink and stuff, so --

14 THE COURT: So at one point you all were
15 all hanging out. You were hanging out with him and
16 his group?

17 MR. NUNN: My group over here. His group
18 kind of right there, yeah.

19 THE COURT: But you all were cordial to
20 each other?

21 MR. NUNN: Yeah, whatever. I pass by and
22 do my thing, yeah.

23 THE COURT: And then at some point that
24 stopped?

25 MR. NUNN: Yeah, yeah, they started trying

1 to -- yeah, do their thing so --

2 THE COURT: And so they wanted you to stop
3 doing your thing?

4 MR. NUNN: No, I was walking away from
5 this guy and his friends and I was going my own way
6 and they were following me. That is what happened.

7 THE COURT: And this is --

8 MR. NUNN: I got grabbed from the side.

9 THE COURT: Clear blue sky, like it just
10 started, start beefing with you?

11 MR. NUNN: No, no. It is in the police
12 report. Somebody was telling him how he was some
13 type of way or like some other stuff or --

14 THE COURT: One of your friends?

15 MR. NUNN: Yeah, yeah.

16 THE COURT: And they were coming at him
17 about his culture and all that kind of stuff?

18 MR. NUNN: Sexuality, more than that.

19 THE COURT: Right. And then he got mad?

20 MR. NUNN: Oh, he was --

21 THE COURT: He was hot.

22 MR. NUNN: He told me I messed up.

23 THE COURT: Because they were your
24 friends.

25 MR. NUNN: I am the one who messed up.

1 I'm like I don't even care about you.

2 THE COURT: Well, you know what, I think
3 because they were visiting you --

4 MR. NUNN: No, we were at the store.

5 THE COURT: Oh, I see.

6 MR. NUNN: Yeah. It had nothing to do
7 with me. We at the store now. At my house talking
8 crap about me. They don't even come to my house no
9 more. We had a fall out.

10 THE COURT: You all fell out?

11 MR. NUNN: Me and my friends, we fell
12 out. So that night, we wasn't even cool like that.
13 So he got -- probably had a big old misunderstanding
14 while we over there talking crap.

15 That's on you, brother.

16 THE COURT: So he wanted to come for you
17 for that?

18 MR. NUNN: Oh, man, yeah.

19 THE COURT: So you wasn't having that?

20 MR. NUNN: No, it was -- it was a grab,
21 motion, punch, hit.

22 THE COURT: Okay. I got you.

23 MR. NUNN: Yeah. And there was more,
24 people there. I was by myself. He had his people
25 there so --

1 MR. ALIDU: Your Honor, may I speak,
2 please?
3 THE COURT: Uh-huh.
4 MR. ALIDU: I been in this country so
5 long.
6 THE COURT: You been what?
7 MR. ALIDU: In America for so long. I
8 never disrespect nobody. He's good of lying. That
9 is why everything is in a court of law.
10 THE COURT: Where you from?
11 MR. ALIDU: I'm from Ghana.
12 THE COURT: Ghana. What part?
13 MR. ALIDU: Accra.
14 THE COURT: Accra. So you here and you
15 feel disrespected. You confront him and then you all
16 end up having a fight?
17 MR. ALIDU: Never, never confront this
18 boy.
19 THE COURT: Never, never?
20 MR. ALIDU: Never.
21 THE COURT: Never. He just walked up
22 off --
23 MR. ALIDU: He was just like me or
24 somebody else, he jump in it. That is in the police
25 report right there. He went home. He came back.

1 THE COURT: Hold up, because you don't get
2 to talk too much.

3 MR. NUNN: Okay.

4 MR. ALIDU: He went home and came back
5 before I realize that's what it is in my face.

6 THE COURT: I understand. So you and one
7 of his friends got into it and he jumped in?

8 MR. ALIDU: I don't even deal with his
9 friends. I don't know who is his friends. I don't
10 know what he's talking about. I go out, I see
11 people.

12 THE COURT: Why did he out of the clear
13 blue decide to hit you upside the head one day?

14 MR. ALIDU: The way it started, there is a
15 lady that I was talking to. Then he jump in. He
16 said, what did you say to that lady? I said, I never
17 said nothing.

18 I don't even know that lady's name. I
19 don't know his name in the police report. So then he
20 came in and said, what did you say to the lady? I
21 didn't say nothing to the lady. Then that was it.
22 Then he got upset before I see him disappear. The
23 next 15 minutes he came back.

24 THE COURT: And just out of the clear
25 blue --

1 MR. ALIDU: Out of the clear blue.
2 THE COURT: -- hit you upside the head?
3 MR. ALIDU: I don't know if Your Honor got
4 this.
5 THE COURT: I don't have that.
6 MR. ALIDU: Look at my witness. That is
7 my witness right there that night.
8 THE COURT: I got it.
9 You got your message, you got your
10 Facebook stuff?
11 MR. NUNN: Yeah, yeah. You want to see
12 it? This is the friend he was with that night.
13 THE COURT: I don't need an editorial
14 version. Let me see what is on there.
15 You want to see what he's showing me? Do
16 you want to see that before I see it?
17 MR. ALIDU: Okay.
18 THE COURT: Are you all still neighbors?
19 MR. NUNN: He's my neighbor. I been
20 trying to get another apartment. He knows where I
21 stay at.
22 THE COURT: Why does everybody want to
23 tell me the whole --
24 (Overlapping speakers.)
25 THE COURT: All that talking, I missed

1 your thing. You got to reset it up now. I just
2 asked you one question. Are you all still
3 neighbors?

4 MR. NUNN: Yeah, we still neighbors.

5 THE COURT: That's it.

6 MR. NUNN: I just didn't get to say
7 nothing about the second police incident.

8 THE COURT: Okay, well, in a minute, but
9 what did I tell you from the beginning? You have
10 potentially some cases coming up against you and
11 whatever you say can be used against you. So I am
12 trying to be very careful about not having you make
13 any statements that could be used against you, you
14 know what I mean.

15 MR. NUNN: You got it.

16 THE COURT: Okay. I guess I don't get
17 it. When I see you I am going to knock you out,
18 bitch, on money, game?

19 MR. NUNN: Yeah, so that's his friend --

20 THE COURT: That ain't got nothing to do
21 with nothing.

22 MR. NUNN: That is the friend he was with
23 that he was coming up to me with.

24 THE COURT: Okay. So this implies that
25 there is -- this doesn't address the issue that he's

1 pissed off because your mom or somebody exposed his
2 sexual preference.

3 MR. NUNN: No, she was already gone four
4 hours after that. So I was already going back to the
5 store on my own.

6 THE COURT: You're saying the reason that
7 he jumped you or tried to jump you was because he's
8 mad about some stuff that your mom had said about
9 him, and I am saying -- then I look and I see that
10 there is some kind of Facebook reference but the
11 Facebook does not verify or support what your mom is
12 saying. Do you see what I'm saying?

13 MR. NUNN: I see what you're saying.
14 Okay.

15 THE COURT: So, Mr. Alidu, I have to be
16 honest with you, I have a hard time believing that
17 this was just unprovoked.

18 MR. ALIDU: It is, ma'am.

19 THE COURT: I know you are going to tell
20 me that and you're really good at it, but I don't
21 believe that because I've lived long enough to know
22 folks just normally -- unless there is something --
23 but usually there is something that provokes folks to
24 hit other people. And I am trying to understand what
25 it was and I don't know that you like what's being

1 said about you.

2 And you travel in a pack and so -- you
3 know what I'm saying. So whenever you see him, it
4 seems to me as though he's the one that's going to be
5 on the losing end. If I was him, I'd be carrying too
6 because I never know when you going to come with your
7 folks.

8 MR. ALIDU: I'm just by myself.

9 THE COURT: No, you're --

10 MR. ALIDU: I got a few friends.

11 THE COURT: -- with at least two, three
12 other folks when you walk to the liquor store, when
13 you go to the other places.

14 MR. ALIDU: Not true.

15 THE COURT: You guys live Twain and
16 Swenson. It ought to be true if it is not because
17 you don't want to walk out there at night.

18 MR. ALIDU: I don't go out looking for
19 trouble. I walk by myself.

20 THE COURT: It's a trouble area, but
21 you're usually going to be with your folks; right?

22 MR. ALIDU: I don't have no folks. Just
23 me. When I go outside I don't hide for anybody.

24 THE COURT: Even this report that you have
25 given me doesn't support that, does not support it.

1 MR. ALIDU: You see the second incident,
2 too, though; right?

3 THE COURT: Hold up, hold up.

4 MR. ALIDU: Look at the second incident.

5 MR. NUNN: My girlfriend was with me the
6 next time.

7 THE COURT: I don't have a second
8 incident. Is that something you want me to look at?

9 MR. ALIDU: Yeah, I think you got the
10 paperwork.

11 THE COURT: I have the issue about the
12 flyers and the fight at the liquor store. I'm not
13 sure -- I am not sure I'm seeing anything else.

14 This is the paperwork that you gave me --
15 battery with use of a deadly weapon, and it just has
16 the victim's information guide. It circles the
17 Convention Center Area Command, but it doesn't tell
18 me anything about what happened.

19 MR. ALIDU: That is the second incident.

20 THE COURT: This is a cover sheet that's
21 provided to you when you file a police report but it
22 doesn't give me the specifics of --

23 MR. ALIDU: The police looking into it.

24 THE COURT: They very well may be, but
25 there is nothing written down here that would help me

1 understand when you say the second incident.
2 So what is the second incident?
3 MR. ALIDU: He pulled a gun on me.
4 THE COURT: He pulled a gun on you?
5 MR. ALIDU: Yes.
6 THE COURT: For no reason?
7 MR. ALIDU: A different night again for no
8 reason.
9 THE COURT: Didn't have anything to do
10 with the beef at that liquor store?
11 MR. ALIDU: Nothing to do with the liquor
12 store.
13 THE COURT: So what happened? He just
14 walked up to you out of the clear blue?
15 MR. ALIDU: He just walk up to me and pull
16 a gun.
17 THE COURT: What time was it?
18 MR. ALIDU: That's about to nighttime or
19 in the morning.
20 THE COURT: Did he pull it, or did he show
21 it to you?
22 MR. ALIDU: He pull it.
23 THE COURT: And then why didn't he shoot
24 you? Usually because, you know, they say don't pull
25 one if you ain't ready to shoot. So why didn't he

1 shoot you?

2 MR. ALIDU: I don't know.

3 THE COURT: He pulled it and walked away?

4 MR. ALIDU: Police was called.

5 THE COURT: He pulled a gun on you and you

6 pulled out your phone and called the police?

7 MR. ALIDU: I did.

8 THE COURT: Wow. That is rare. And you

9 didn't even got shot or anything?

10 MR. ALIDU: I'm surprised he didn't shoot

11 me.

12 THE COURT: He didn't try to stop you from

13 calling the police or anything?

14 MR. ALIDU: No. I walk away.

15 THE COURT: You walked away from the gun?

16 MR. ALIDU: I walk away, and I got

17 witness.

18 THE COURT: So you weren't really scared?

19 MR. ALIDU: No --

20 THE COURT: Because you had your boys

21 there.

22 MR. ALIDU: Like you said, shoot me then.

23 This boy right here -- ma'am, I am just being honest

24 with you, I would never let him touch me again.

25 That's why I'm doing this, to protect myself and

1 protect him.

2 THE COURT: You going to protect him now
3 too.

4 MR. ALIDU: Because anytime I'm going out
5 somewhere now, I'm watching where I am going. I'm
6 trying to move at the same time too because I never
7 bother him, I never touch him. I'm doing this the
8 right way. That's why police protection order
9 against him to make sure that nobody going to come
10 after me.

11 THE COURT: But it also helps you be in a
12 position that if you do do something to him you don't
13 end up getting in trouble.

14 MR. NUNN: Yeah.

15 THE COURT: Hold up. Did you --

16 MR. NUNN: No, no, no, I didn't do
17 anything.

18 THE COURT: Well, he pulled a gun on you.
19 You walked away and called the police. I have never
20 heard about people who get -- you know, if somebody
21 pulls a gun, normally you do what they say do, not
22 what you want to do, but you weren't even worried
23 about it.

24 MR. ALIDU: Unless you want to scare me
25 for that now.

1 THE COURT: He scared you. You think you
2 thought you were scared, you walked away and called
3 the police.

4 MR. ALIDU: I did.

5 THE COURT: You weren't really scared.

6 MR. ALIDU: I got to do what I do.

7 THE COURT: Yeah, you do got to do what
8 you got to do, but you don't have to do what you got
9 to do based on what people say, you know what I'm
10 saying.

11 You guys are grown men. You should know
12 how to handle yourselves. You guys live in the same
13 community. You probably going to be there for a
14 minute so everybody going to have to stand on their
15 own two, and neither one of you are exempt from the
16 police coming after you.

17 And you are in a situation where, even
18 though you've been here for a long time, there is a
19 likelihood that you could not be if you continue --
20 if you put yourself in a vulnerable situation.

21 So I get why you are doing this, but I'm
22 not going to let you do this like this. Okay.

23 So we going to call it a day today;
24 right? You all are going to let whatever beef is
25 going on, let it go, and I am not granting a

1 temporary protective order, and if there are cases
2 filed against this gentleman or against you, you all
3 will be able to litigate them in criminal court.

4 In the meantime I would suggest that you
5 both go your separate ways and don't get into this
6 thing with the groups, that having friends contact
7 friends and all that, because it's going to come back
8 to you now that you have got a history of being in
9 court.

10 Do you understand what I'm saying?

11 MR. NUNN: Yes, ma'am.

12 THE COURT: Thank you very much,
13 gentlemen. Have a good day.


14 -oOo-

15
16 ATTEST: FULL, TRUE, ACCURATE AND CERTIFIED
17 TRANSCRIPT OF PROCEEDINGS.

18

19

20


Shawn E. Ott, CCR No. 577

21

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STIMMIE NUNN #1226304
HDSP
~~650~~ P.O. BOX 650
INDIAN SPRINGS, NV 89070

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PLEASE HAND CANCEL

HIGH DESERT STATE PRISON
FEB 23 2020
UNIT 2C/D

Judge MARY KAY HOLTHUS
STEVEN D. GRIERSON
CLERK OF THE COURT
200 LEWIS AVENUE
3RD FLOOR
LAS VEGAS, NV 89155



ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JOHN T. JONES, JR.
Chief Deputy District Attorney
Nevada Bar #009598
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

SAMMIE NUNN, #2751864

Defendant.

CASE NO: C-18-336184-1

DEPT NO: XVIII

**ORDER GRANTING AND DENYING DEFENDANT'S MOTION TO APPOINT
APPELLATE COUNSEL AND DEFENDANT'S MOTION FOR PRODUCTION OF
TRANSCRIPT**

DATE OF HEARING: February 18, 2020
TIME OF HEARING: 9:00 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 18th day of February, 2020, the Defendant not being present, incarcerated in the Nevada Department of Corrections, TERRENCE MICHAEL JACKSON, ESQ. present as appointed counsel, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through JOHN T. JONES, JR., Chief Deputy District Attorney, without argument, based on the pleadings and good cause appearing therefor,

///

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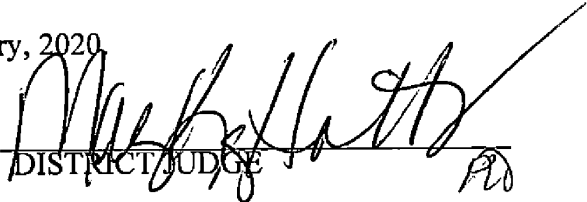
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1 IT IS HEREBY ORDERED that the Defendant's Motion to Appoint Appellate
2 Counsel, shall be, and it is GRANTED.

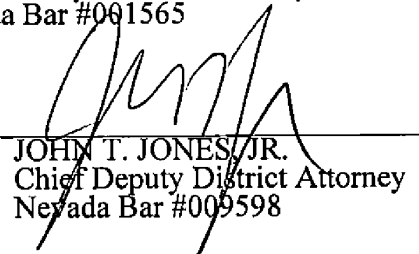
3 IT IS HEREBY ORDERED that the Defendant's Motion for Production of Transcript,
4 shall be, and it is DENIED.

5 DATED this 28 day of February, 2020

6 
7 DISTRICT JUDGE AD

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

10
11 BY


12 JOHN T. JONES, JR.
13 Chief Deputy District Attorney
Nevada Bar #009598

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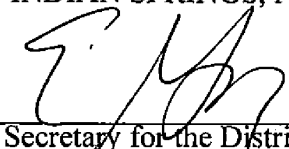
CERTIFICATE OF SERVICE

I certify that on the 5th day of March, 2020, I mailed a copy of the foregoing

Order to:

SAMMIE NUNN, ID #1226304
HDSP
P.O. BOX 650
INDIAN SPRINGS, NV 89070

BY



Secretary for the District Attorney's Office



1 **REQT**
2 **TERRENCE M. JACKSON, ESQ.**
3 Nevada Bar No. 00854
4 Law Office of Terrence M. Jackson
5 624 South Ninth Street
6 Las Vegas, NV 89101
7 T: 702-386-0001 / F: 702-386-0085
8 terry.jackson.esq@gmail.com
9 Counsel for Defendant, *Sammie Nunn*

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IN THE EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,) EJDC Case No.: C-18-336184-1
Plaintiff,)
v.) Dept.: XVIII
SAMMIE NUNN,)
#1226304,)
Defendant.)

REQUEST FOR TRANSCRIPTS

TO: Yvette G. Sison, Court Recorder
District Court, Department No.: XVIII
Courtroom 3F

SAMMIE NUNN, the Defendant named above, requests preparation of jury trial transcripts, sentencing transcripts, motions, status checks and other certain portions of the proceedings before the District Court, Department XVIII, Judge Mary Kay Holthus, as follows:

Dates or dates of proceedings:

Portion of the transcript requested: 1/18/19, 4/12/19, 4/16/19, 5/14/19, 5/23/19, 6/6/19, 6/11/19, 7/15/19, 7/23/19, 8/6/19, 8/20/19, 9/5/19, 9/12/19, 11/5/19, 11/21/19, 12/17/19, 1/14/20:
1/18/19 - Further Proceedings, Competency [Renee Vincent]
4/12/19 - Further Proceedings, Findings of Competency [Renee Vincent]
4/16/19 - Further Proceedings: Return from Competency Court, Entry of Plea [Yvette Sison]
5/14/19 - Motion to Dismiss Counsel [Yvette Sison]
5/23/19 - Motion to Dismiss Counsel, continued [Yvette Sison, Michelle Ramsey]
6/6/19 - Status Check, Entry of Plea [Yvette Sison]

1 6/11/19 - Sentencing [Yvette Sison]
2 7/15/19 - Motion to Dismiss Counsel, Appoint Alternate Counsel [Yvette Sison]
3 7/23/19 - Revocation of Probation [Yvette Sison]
4 8/6/19 - Motion to Dismiss Counsel, Appoint Alternate Counsel and
5 Reset Revocation of Probation [Yvette Sison]
6 8/20/19 - All Pending Motions: Motion to Dismiss Counsel, Appoint Alternate Counsel and
7 Reset Revocation of Probation [Yvette Sison]
8 9/5/19 - Status Check: Motion to Withdraw Guilty Plea Agreement [Yvette Sison]
9 9/12/19 - Status Check: Motion to Withdraw Guilty Plea Agreement [Yvette Sison]
10 11/5/19 - Hearing: Motion to Withdraw Guilty Plea [Yvette Sison]
11 11/14/19 - Hearing: Revocation of Probation [Yvette Sison]
12 11/21/19 - Hearing: Motion to Withdraw Counsel, Appoint Appellant Counsel [Yvette Sison]
13 12/17/19 - All Pending Motions: Withdraw Counsel, Appoint Appellant Counsel [Yvette Sison]
14 1/14/20 - All Pending Motions contd.: Motion to Withdraw Counsel, Appoint Appellant Counsel
15 [Yvette Sison]
16 This Notice requests a transcript of only those portions of the District Court proceedings
17 which counsel reasonably and in good faith believes are necessary to determine whether appellate
18 issues are present. Voir dire examination of jurors, opening statements and closing arguments of trial
19 counsel and the reading of jury instructions shall not be transcribed unless specifically requested
20 above.
21 I recognize that I must personally serve a copy of this form on the above-named court
22 reporter and opposing counsel.
23 That the above-named court reporter shall have thirty (30) days from the date of service of
24 this document to prepare an original plus two copies at State expense and file with the District Court
25 Clerk the original transcript(s) requested herein.
26 Further, pursuant to NRAP 9(a)(3)(iii), the court reporter shall also deliver copies of the
27 transcript to Appellate's counsel and Respondent counsel no more than thirty (30) days after the date
28 of the Appellate's request.

1 DATED this 5th day of March, 2020.

2 /s/ Terrence M. Jackson
3 TERRENCE M. JACKSON, ESQ.
4 Nevada Bar No. 00854
5 Law Office of Terrence M. Jackson
6 624 South Ninth Street
7 Las Vegas, NV 89101
8 T: 702-386-0001 / F: 702-386-0085
9 terry.jackson.esq@gmail.com
10 *Counsel for Defendant, Sammie Nunn*

11 **CERTIFICATE OF SERVICE**

12 I hereby certify that on the 5th day of March, 2020, I served a true, correct, file-stamped copy
13 of the foregoing Request for Transcripts on:

14 **TO:** Yvette Sison, Court Recorder
15 District Court, Department No.: XVIII
16 200 Lewis Avenue, Courtroom 3F
17 Las Vegas, NV 89101

18 By: /s/ Ila Wills
19 Assistant to Terrence M. Jackson, Esq.

20 **CERTIFICATE OF ELECTRONIC FILING**

21 The undersigned hereby certifies that she is an assistant in the office of Terrence M. Jackson,
22 Esquire, and a person of such age and discretion as to be competent to serve papers and that on this
23 5th day of March, 2020, she served the Transcript Request upon the parties to this action:
24 [X] Via Electronic Service to Eighth Judicial District Court, *Odyssey E-file* Service as follows:

25 STEVEN B. WOLFSON
26 Clark County District Attorney
27 steven.wolfson@clarkcountynvda.com

28 Yvette Sison, Court Recorder
EJDC, Department No.: XVIII
200 Lewis Avenue, Courtroom 3F
Las Vegas, NV 89101
Sisony@clarkcountycourts.us

By: /s/ Ila C. Wills
An employee of Terrence M. Jackson



1 **SUPP**
2 TERRENCE M. JACKSON, ESQ.
3 Nevada Bar No.: 00854
4 Law Office of Terrence M. Jackson
5 624 South Ninth Street
6 Las Vegas, NV 89101
7 T: 702-386-0001 / F: 702-386-0085
8 terry.jackson.esq@gmail.com
9 *Counsel for Sammie Nunn*

6 EIGHTH JUDICIAL DISTRICT COURT
7 CLARK COUNTY, NEVADA

8 SAMMIE NUNN,
9 #1226304
10 Defendant / Petitioner,
11 v.
12 STATE OF NEVADA,
13 Plaintiff/ Respondent.

Case No.: C-18-336184-1
Dept. No.: XVIII

HEARING REQUESTED

14 SUPPLEMENTARY MOTION FOR EVIDENTIARY HEARING FOR PRO PER
15 PETITION FOR SAMMIE NUNN FOR HABEAS CORPUS RELIEF

16 COMES NOW the Defendant/ Petitioner, SAMMIE NUNN, by and through his newly
17 appointed counsel, TERRENCE M. JACKSON, ESQ., and respectfully requests this Honorable
18 Court to allow filing of Supplemental Points and Authorities in Support of Habeas Corpus Relief
19 to Defendant Nunn's *Pro Per* Petition for Writ of Habeas Corpus filed on January 24, 2020, by
20 requesting an evidentiary hearing for his Writ of Habeas Corpus.

21 As grounds for this Motion, counsel states that he was just appointed to represent Mr.
22 Sammie Nunn on February 18, 2020. Counsel further states that reviewing Defendant's *Pro Per*
23 Petition, counsel believes that it alleges sufficient material facts that an evidentiary hearing is
24 required because there are material facts in dispute. This Motion is further based upon the
25 accompanying Points and Authorities incorporated herein.

26 Respectfully submitted this 10th day of March, 2020.

27 /s/ Terrence M. Jackson
28 TERRENCE M. JACKSON, ESQ.
Nevada Bar No.: 00854
terry.jackson.esq@gmail.com
Counsel for Sammie Nunn

1 **POINTS AND AUTHORITIES**

2
3 In *Marshall v. State*, 110 Nev. 1328, 885 P.2d 603 (1994), the Nevada Supreme Court
4 reversed *Marshall's* conviction because he was denied an evidentiary hearing on post-conviction.
5 The Court there stated:

6 “When a petition for post-conviction relief raises claims
7 supported by specific factual allegations which, if true, would entitle
8 the petitioner to relief, the petitioner is entitled to an evidentiary
9 hearing unless those claims are repelled by the record.” *Hargrove v.*
10 *State*, 100 Nev. 498, 686 P.2d 222 (1984). *Id.* 1331

11 Although the Court rejected many of Marshall's claims as meritless, it found the issue of
12 insufficiency of the evidence presented to the grand jury supporting the possession of controlled
13 substance charge to have merit and reversed those counts stating:

14 “At most, the state presented evidence that appellant
15 frequented an apartment that was rented to his brother and that
16 appellant stored some of his personal belongings in the apartment.
17 This evidence is not sufficient to establish that appellant, rather than
18 one of the numerous other persons who frequented the apartment,
19 possessed the cocaine and the marijuana the police found. Appellate
20 counsel was ineffective for failing to raise this issue on appeal and
21 counsel's failure prejudiced appellate. *Warden v. Lyons*, 100 Nev.
22 430, 683 P.2d 504 (1984), *cert. den.*, 471 U.S. 1004 (1985). The
23 district court erred in refusing to provide appellant an evidentiary
24 hearing on this issue and in denying appellant relief.”

25 “Because the record on appeal establishes that appellant was
26 improperly convicted of the possession charges, we reverse
27 appellant's judgment of conviction on these charges and we vacate
28 the sentenced imposed with respect to those convictions.” *Id.* 1333.
(Emphasis added)

29 ...
30 It is respectfully submitted that in this case Defendant, as in *Marshall, supra*, has raised
31 factual claims which, if true, entitle him to an evidentiary hearing. Defendant also directs the Court

1 to *Hatley v. State*, 100 Nev. 214 (1984), where the Supreme Court reversed stating:
2 “The district court, however, refused to conduct an evidentiary hearing and summarily denied
3 appellant’s petition.
4 We conclude that it was error for the district court to deny the
5 petition without first holding an evidentiary hearing. It is well settled
6 that when “a petition for post-conviction relief contains allegations of
7 facts outside the record which, if true, would entitle the petitioner to
8 relief, an evidentiary hearing thereon is required.” (Emphasis added)
9 . . .
10 Defendant in his *Pro Per* Petition has clearly alleged his ‘factual innocence’ and deserves a
11 hearing on his claims. To deny him a full hearing will lead to reversal of his conviction.
12
13 Respectfully submitted this 10th day of March, 2020.
14
15 /s/ Terrence M. Jackson
16 TERRENCE M. JACKSON, ESQ.
17 Nevada Bar No.: 00854
18 Law Office of Terrence M. Jackson
19 624 South Ninth Street
20 Las Vegas, NV 89101
21 T: 702-386-0001 / F: 702-386-0085
22 terry.jackson.esq@gmail.com
23
24 *Counsel for Sammie Nunn*
25
26
27
28

1 EIGHTH JUDICIAL DISTRICT COURT

2 CLARK COUNTY, NEVADA

3 SAMMIE NUNN,) Case No.: C-18-336184-1
4 #1226304)
5 Defendant / Petitioner,) Dept. No.: XVIII
6)
7 v.)
8)
9 STATE OF NEVADA,)
10)
11 Plaintiff/ Respondent.)
12)

11 NOTICE OF HEARING

12 Please be advised that the Defendant's Supplementary Motion for Evidentiary Hearing for
13 Pro per Petition for Habeas Corpus Relief in the above-entitled matter is set for hearing as follows:

14 **Date:**

15 **Time:**

16 **Location:** RJC Courtroom 3F
17 Regional Justice Center
200 Lewis Avenue
18 Las Vegas, NV 89101

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

21 By: /s/ Ila C. Wills
22 Assistant to T. M. Jackson, Esq.

23 CERTIFICATE OF SERVICE

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

27 By: /s/ Ila C. Wills
28 Assistant to T. M. Jackson, Esq.

1 **CERTIFICATE OF SERVICE**

2
3 I hereby certify that I am an assistant to Terrence M. Jackson, Esq., I am a person competent
4 to serve papers and not a party to the above-entitled action and on the 10th of March, 2020, I served
5 a copy of the foregoing Defendant/Petitioner, SAMMIE NUNN'S, SUPPLEMENTARY MOTION
6 FOR EVIDENTIARY HEARING FOR PRO PER PETITION FOR HABEAS CORPUS RELIEF
7 as follows:

8 [X] Via Electronic Service (CM/ECF) to the Eighth Judicial District Court and by United States
9 first class mail to the Nevada Attorney General and Petitioner/Appellant as follows:

10
11 STEVEN B. WOLFSON
12 Clark County District Attorney
13 steven.wolfson@clarkcountyda.com

JOHN T. NIMAN
Clark County Deputy D.A. - Criminal
john.niman@clarkcountyda.com

14
15 SAMMIE NUNN
16 ID# 1226304
17 High Desert State Prison
18 Post Office Box 650
19 Indian Springs, NV 89070-0650

AARON D. FORD
Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701

20
21
22
23
24 By: /s/ Ila C. Wills
25 Assistant to T. M. Jackson, Esq.
26
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28

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**DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
3/11/2020 9:14 AM
Steven D. Grierson
CLERK OF THE COURT



State of Nevada
vs
Sammie Nunn

Case No.: C-18-336184-1
Department 18

NOTICE OF HEARING

Please be advised that the Petitioner's Supplementary Motion for Evidentiary Hearing for Pro Per Petition for Sammie Nunn for Habeas Corpus Relief in the above-entitled matter is set for hearing as follows:

Date: March 21, 2020
Time: 9:00 AM
Location: RJC Courtroom 03F
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Marie Kramer
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

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

By: /s/ Marie Kramer
Deputy Clerk of the Court



1 RSPN
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JOHN NIMAN
6 Deputy District Attorney
7 Nevada Bar #014408
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 SAMMIE NUNN, #2751864

13 Defendant.

CASE NO: C-18-336184-1

DEPT NO: XVIII

14
15 STATE'S RESPONSE TO SUPPLEMENTAL MOTION
16 FOR EVIDENTIARY HEARING

17 DATE OF HEARING: APRIL 16, 2020
18 TIME OF HEARING: 9:00 AM

19 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
20 District Attorney, through JOHN NIMAN, Deputy District Attorney, and hereby submits the
21 attached Points and Authorities in Response to Petitioner's Supplemental Motion for
22 Evidentiary Hearing for *Pro Per* Petition for Sammie Nunn for Habeas Corpus Relief.

23 This Response is made and based upon all the papers and pleadings on file herein, the
24 attached points and authorities in support hereof, and oral argument at the time of hearing, if
25 deemed necessary by this Honorable Court.

26 //

27 //

28 //

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On November 14, 2018, Sammie Nunn (hereinafter "Petitioner") was charged by way
4 of Indictment with one count of BATTERY WITH USE OF A DEADLY WEAPON
5 RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony – NRS 200.481) and
6 one count of BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony – NRS
7 200.481) for his actions on or between May 27, 2018 and June 3, 2018.

8 On June 6, 2019, pursuant to a Guilty Plea Agreement ("GPA"), Petitioner pled guilty
9 to one count of BATTERY WITH USE OF A DEADLY WEAPON. As part of the GPA, the
10 parties agreed that the State would not oppose probation, and would not oppose Petitioner's
11 release on house arrest after the entry of Petitioner's plea. The parties also stipulated to an
12 underlying sentence of two (2) to five (5) years in the Nevada Department of Corrections
13 ("NDOC"). GPA at 1. The Court canvassed Petitioner and accepted Petitioner's guilty plea.

14 On June 11, 2019, Petitioner was adjudged guilty and was sentenced to a minimum of
15 forty-eight (48) to one hundred twenty (120) months in NDOC. Petitioner's sentence was
16 suspended, and Petitioner was placed on probation for a term not to exceed five (5) years.
17 Petitioner was also placed on house arrest.

18 On July 10, 2019, a Violation Report was filed, indicating Petitioner had violated the
19 terms of his probation by failing to abide by the curfew restrictions and by consuming
20 controlled substances. While the revocation proceedings were ongoing, on July 15, 2019,
21 Petitioner filed a Motion to Dismiss Counsel and Appoint Alternate Counsel. Petitioner's
22 Motion to Dismiss Counsel was granted, for the limited purpose of having alternate counsel to
23 determine whether there were grounds to withdraw Petitioner's guilty plea.

24 On October 10, 2019, Petitioner filed a Post-Conviction Petition for Writ of Habeas
25 Corpus (his "first Petition"). In his first Petition, Petitioner raised a single argument: a new
26 witness, E. Mekonnen, could testify to Petitioner's actual innocence. First Petition at 5-6. The
27 State filed its Response to Petitioner's first Petition on October 16, 2019. The Court denied
28 Petitioner's first Petition on November 5, 2019.

**PLEADING
CONTINUES
IN NEXT
VOLUME**