

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUSTIN ALEXANDER RASHAD
LARKINS,

Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Electronically Filed
Sep 02 2021 01:17 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No: C-20-346867-1

Docket No: 83150

RECORD ON APPEAL VOLUME 2

ATTORNEY FOR APPELLANT

JUSTIN LARKINS #1175371,
PROPER PERSON
P.O. BOX 208
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT

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

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C-20-346867-1

State of Nevada

vs

JUSTIN LARKINS

I N D E X

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Steven D. Grierson

1 Justin A.R. Larkins #1175371

2 In Proper Person

3 P.O. Box 650 H.D.S.P.
4 Indian Springs, Nevada 89018

5 EIGHTH DISTRICT COURT
6 CLARK COUNTY NEVADA

7
8 STATE OF NEVADA

9 Plaintiff

Case No. C-20-346867-1

Dept. No. X

Docket _____

10 -v-

11 Justin Alexander Rashad Larkins #1966552

12 Defendant

13
14 NOTICE OF APPEAL

15 Notice is hereby given that the Defendant, Justin A.R. Larkins
16 #1966552/1175371, by and through himself in proper person, does now appeal
17 to the Supreme Court of the State of Nevada, the decision of the District
18 Court derving his Petition for Post-Conviction Relief
19 (Sentence Modification) dated June 17th, the Year of 2021

20
21 Dated this date, June 19, 2021

22
23 Respectfully Submitted,

24 **RECEIVED**
25 JUN 28 2021
26 CLERK OF THE COURT

27 Justin A.R. Larkins
28 In Proper Person

CERTIFICATE OF SERVICE BY MAILING

I, Justin A.R. Lashins, hereby certify, pursuant to NRCP 5(b), that on this 19th
day of June, 2021, I mailed a true and correct copy of the foregoing, "Notice
of Appeal"


by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

1494
Supreme Court of Nevada
Office of the Clerk
2016 Carson Street, Suite 201
Carson City, Nevada 89701

Steven D. Grierson
Clerk of the Court
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155-1160

District Attorney's Office
200 Lewis Avenue, 2nd Floor
Las Vegas, Nevada 89155-1160

DATED: this 19th day of June, 2021.


Justin A.R. Lashins # 1175371
/In Propria Persona
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Notice

OF APPEAL

(Title of Document)

filed in District Court Case number C-20-346867-1

☒ Does not contain the social security number of any person.

-OR-

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

A. A specific state or federal law, to wit:

(State specific law)

-or-

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

Justin R. ⊕
Signature

6-18-2021
Date

Justin A. R. Larkins
Print Name

In Pro Per
Title

Justin A.R. Lewis # 1173371
22010 Cold Creek RD
Indian Springs, NV 89070

STEVEN D. GRIFFIN
Clerk of the Court
200 Lewis Ave, 3rd Floor
Las Vegas, NV 89155-1160

3762



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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.

JUSTIN ALEXANDER RASHAD LARKINS
aka JUSTIN ALEXANDER LARKINS,

Defendant(s),

Case No: C-20-346867-1

Dept No: X

CASE APPEAL STATEMENT

1. Appellant(s): Justin A. R. Larkins

2. Judge: Tierra Jones

3. Appellant(s): Justin A. R. Larkins

Counsel:

Justin A. R. Larkins #1175371
P.O. Box 650
Indian Springs, NV 89070

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: February 12, 2020

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

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

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 82817

12. Child Custody or Visitation: N/A

Dated This 30 day of June 2021.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

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

cc: Justin A. R. Larkins

1 Justin A.R. Larkins #1175371
2 Defendant/ In Propria Person
3 Post Office Box 650
4 Indian Springs, Nevada 89018

FILED

JUL 01 2021

Ch. J. H. H.
CLERK OF COURT

5 IN THE 9th JUDICIAL DISTRICT COURT OF THE STATE
6 OF NEVADA IN AND FOR THE COUNTY OF CLARK

7
8 The State of Nevada
9 Plaintiff,

10 VS

11 Justin A.R. Larkins #1966552
12 Defendant.

Case No. C-20-346867-1

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Dept NO. X

MOTION TO MODIFY AND/OR CORRECT

ILLEGAL SENTENCE

Date of hearing :

July 26, 2021
8:30 AM

Time of hearing :

20 COMES NOW, DEFENDENT, Justin A.R. Larkins, proceeding
21 in proper person, hereby motion this Honorable Court
22 pursuant to N.R.S 176.555 and Edwards v. state.

23 This motion is made in based upon all papers and pleadings
24 on file, the points and authorities and exhibits attached
25 here to.

26
27 Dated; this 18th day of June, 2021.

Justin A.R. Larkins #1175371
DEFENDENT/ In Propria Person

POINTS AND AUTHORITIES

"Motion to modify sentence" is limited in scope to sentences based on mistaken assumptions about defendant's criminal record which work to defendant's extreme detriment, while " Motion to correct illegal sentence " addresses only facial legality of sentence. State v. District Court, 100 nev. 90, 97, 677 p.2d 1044 1048 (1984), and Edwards v. State, 918 p.2d 321 (nev. 1996).

Further N.R.S 176.555 Motion to Modify and/or Correct a sentence, may be filed at any time.

Defendant herein alleges that his sentence should be modified and/or corrected pursuant to the following facts.

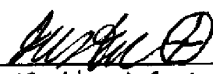
The Defendant would, at this time, ask this Honorable Court to Please Pay Attention to the Discovery of Case No. C-20-346867-1 on file and Read the Officer's Statement regarding the well-being of the Victims on the night of January 26, 2020. The Officer Stated: "The Victims did not need Medical Attention." Yet the Defendant was convicted of Battery with Use of a Deadly Weapon Constituting Domestic Violence when in fact there was no harm done to the alleged Victims.

According to the Nevada Constitution Article 1, Subsection 8. The Gravamen of Charges against the defendant for battery with use of a deadly weapon Substantial bodily harm.

-CONT-

battery with a deadly weapon, and mayhem with use of a deadly weapon was the same, that defendant cut the victim and the victim suffered from nerve damage, and therefore the charges were redundant. The court thus affirmed the convictions for battery with a deadly weapon and mayhem with the use of a deadly weapon and reversed the conviction for battery with use of a deadly weapon with substantial bodily harm. *Salazar v. State* 119 Nev. 224, 70 P.3d 748, 119 Nev. Adv. Rep. 26, 2003 Nev. LEXIS 30 (Nev. 2003). Overruled in Part, *Jackson v. State* 129 Nev. 598, 291 P.3d 1274, 128 Nev. Adv. Rep. 55, 2012 Nev. LEXIS 110 (Nev. 2012), Overruled in Part as stated in *Kenton v. State*, 2013 Nev. Unpub. LEXIS 78 (Nev. Jan 16, 2013). Overruled in Part as stated in *Blairs v. State* 336 P.3d 939, 130 Nev. Adv. Rep. 85, 2014 Nev. LEXIS 111 (Nev. 2014).

Thus, to convict the defendant and commit the defendant to a prison term grossly disproportionate to the nature of the instant offense, is in fact cruel and unusual punishment, according to the United States Constitution, rather the 8th Amendment to the United States Constitution.


Justin A.R. Lurkins #1175371
Defendant / In Pro Per Person

Thereby, pursuant to the facts and the law stated herein,
Defendant, request that his sentence be modified/corrected as
follows: Twelve months in the Clark County Detention
Center with 509 days credit time served, because
even the officer stated that the alleged victims
were not harmed in the discovery, but in fact Malicious
Destruction of Property/and or Vandalism is what happened in
Case No. C-20-346867-1. Competent Counsel would not let a client
Plead Guilty to something the State could not prove.

Dated; this 18th DAY OF June, 2021.

Justin A.R. Larkins
Justin A.R. Larkins # 1175371
Defendant/propria person

CERTIFICATE OF SERVICE BY MAILING

I, Justin A.R. Curtin's, hereby certify, pursuant to NRCP 5(b), that on this 18th day of June, 2021, I mailed a true and correct copy of the foregoing, "Motion to modify And/or correct Illegal sentence" by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid, addressed as follows:

1494
Supreme Court of Nevada
Office of the Clerk
801 S. Carson Street Suite 201
Carson City, Nevada 89701

Steven D. Grierson
Clerk of the Court
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155-1160

District Attorney's Office
200 Lewis Avenue, 2nd Floor
Las Vegas, Nevada 89155-1160

CC:FILE

DATED: this 18th day of June, 2021.

Justin A.R. Curtin's # 11753571
Defendant (In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Motion to
Modify And/or Correct Illegal Sentence
(Title of Document)

filed in District Court Case number C-20-346867-1

☒ Does not contain the social security number of any person.

-OR-

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

A. A specific state or federal law, to wit:

(State specific law)

-or-

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

Justin A.R. LeMans
Signature

June 18, 2021
Date

Justin A.R. LeMans
Print Name

In Pro Per Persona
Title

Justin A.R. Leathers # 1175371
22010 Cold Creek RD
Indian Springs, NV 89070

STEVEN D. GRIFFIN
Clerk of the Court
200 Lewis Ave, 3rd Floor
Las Vegas, NV 89155-1160

3762

1 Case No. C-20-346867-1

2 Dept. No. X

FILED

JUL 01 2021

John J. Williams
CLERK OF COURT

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

8 The State of Nevada

9 Plaintiff,

10 vs.

11 Justin A.R. Lockins 1966582,

12 Defentdant,

Case No. C-20-346867-1

Dept No. 10

Docket _____

14 **NOTICE OF MOTION**

15 **YOU WILL PLEASE TAKE NOTICE**, that MOTION TO MODIFY AND/OR

16 CORRECT ILLEGAL SENTENCE

17 will come on for hearing before the above-entitled Court on the ____ day of _____, 20____,
18 at the hour of ____ o'clock ____ M. In Department ____, of said Court.

19
20 CC:FILE

21
22 DATED: this ____ day of _____, 20____

23
24 BY: Justin A.R. Lockins

25 Justin A.R. Lockins #1173371
26 /In Propria Personam
27
28

1 Justin A.R. Larkins #1173371

2 /In Propria Persona
3 Post Office Box 650 (HDSP)
4 Indian Springs, Nevada. 89018

FILED
JUL 01 2021

John L. Larkins
CLERK OF COURT

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 STATE OF NEVADA
8 Plaintiff

9 vs Justin A.R. Larkins #1173371
10 Defendant

Case No. C-20-34667-1

Dept. No. 10

Docket

July 26, 2021
8:30 AM

13
14 MOTION TO APPOINT COUNSEL

15 DATE OF HEARING: _____

16 TIME OF HEARING: _____

17
18 COMES NOW the Defendant Justin A.R. Larkins, in proper persona and moves
19 this court for an Order granting him counsel in the proceeding action.

20 This motion is made and based upon all papers and pleadings on file herein and attached
21 points and authorities.

22
23 Dated this 18th day of June, 2021

24
25 Respectfully Submitted,

26 *Justin A.R. Larkins*
27 Justin A.R. Larkins #1173371
28 Defendant / In Pro Per Person

1
2 **POINTS AND AUTHORITIES**

3 NRS 34.750 Appointment of Counsel for indigents; pleading supplemental to petition;
4 response to dismiss.

5 "If the Court is satisfied that the allegation of indigency is true and the petition is not
6 dismissed summarily, the Court may appoint counsel to represent the petitioner."

7 NRS 171.188 Procedure for appointment of attorney for indigent defendant.

8 "Any defendant charged with a public offense who is an indigent may, be oral statement to the
9 District Judge, justice of peace, municipal judge or master, request the appointment of an attorney to
10 represent him."

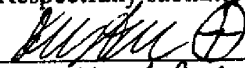
11 NRS 178.397 Assignment of counsel.

12 "Every defendant accused of a gross misdemeanor or felony who is financially unable
13 to obtain counsel is entitled to have counsel assigned to represent him at every stage of the
14 proceedings from his initial appearance before a magistrate or the court through appeal, unless he
15 waives such appointment."

16 WHEREFORE, petitioner prays the Court will grant his motion for appointment of counsel to
17 allow him the assistance that is needed to insure that justice is served.

18
19 Dated this 18th day of JUNE, 2021.

20
21 Respectfully submitted,

22 
23 Justin A.R. Larkins #1075378
24
25
26
27
28

CERTIFICATE OF SERVICE BY MAILING

I, Justin A.R. Larkins, hereby certify, pursuant to NRCP 5(b) that on this 18th
day of June, 2021, I mailed a true and correct copy of the foregoing "Motion
to Appoint Counsel"

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, Fully prepaid,
addressed as follows:

1494 Supreme Court of Nevada
Office of the Clerk
201 S. Carson Street, Suite 201
Carson City, Nevada 89701

STEVEN D. GRIERSON
Clerk of the Court
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155-1160

Clark County District
Attorney Alexander G. Chen
200 Lewis Avenue, 2nd Floor
Las Vegas, NV 89133-1160

DATED: THIS 18th day of June, 2021

Justin A.R. Larkins #118371
Defendant In Propria Persona
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada. 89018

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding

Motion
to Appoint Counsel
(Title of Document)

filed in District Court Case number 6-20-346867-2

☒ Does not contain the social security number of any person.

-OR-

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

A. A specific state or federal law, to wit:

(State specific law)

-or-

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

Justin A.R. Larkins
Signature

6-18-2021
Date

Justin A.R. Larkins
Print Name

In Proper Person
Title

1 Justin A.R. Larkins #1175371
2 Defendant In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

FILED
JUL 01 2021
Debra L. Williams
CLERK OF COURT

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 STATE OF NEVADA
8 Plaintiff

9 vs.

10 Justin A.R. Larkins #1966552
11 Defendant

Case No. 620-346867-1
Dept No. 10
Docket _____

13
14 **NOTICE OF MOTION**

15 YOU WILL PLEASE TAKE NOTICE, that Motion to Appoint Counsel

16
17 will come on for hearing before the above-entitled Court on the ____ day of _____, 20____
18 at the hour of ____ o'clock ____ M. In Department ____, of said Court.

19
20 CC:FILE

21
22 DATED: this ____ day of _____, 20____.

23
24 BY: [Signature]

25 Justin A.R. Larkins # 1175371
26 Defendant In Propria Personam
27
28



OPPS
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
TALEEN PANDUKHT
Deputy District Attorney
Nevada Bar #05734
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-

JUSTIN ALEXANDER RASHAD
LARKINS, #1966552
Defendant.

CASE NO: C-20-346867-1

DEPT NO: X

**STATE'S OPPOSITION TO DEFENDANT'S
MOTION TO MODIFY AND/OR CORRECT ILLEGAL SENTENCE AND MOTION
TO APPOINT COUNSEL**

DATE OF HEARING: AUGUST 23, 2021
TIME OF HEARING: 8:30 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through TALEEN PANDUKHT, Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion to Modify and/or Correct Illegal Sentence and Motion to Appoint Counsel.

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

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CA\USERS\FALCONK\APPDATA\LOCAL\MICROSOFT\WINDOWS\INETCACHE\CONTENT.OUTLOOK\C\JNWXYB\LARKINS JUSTIN

C346867.OPP MODIFY CORRECT ILLEGAL RS_APPT COUNSEL.DOCX

1 //

2 **POINTS AND AUTHORITIES**

3 **STATEMENT OF THE CASE**

4 On January 29, 2020, Defendant was charged by way of Criminal Complaint with
5 Invasion of the Home (Category B Felony - NRS 205.067 - NOC 50435), Burglary (Category
6 B Felony - NRS 205.060 - NOC 50424), Battery With Use of a Deadly Weapon Constituting
7 Domestic Violence (Category B Felony - NRS 200.481; 200.485; 33.018 - NOC 57935),
8 Assault With a Deadly Weapon (Category B Felony - NRS 200.471 - NOC 50201), Battery
9 on a Protected Person (Gross Misdemeanor - NRS 200.481 - NOC 50221) and Malicious
10 Destruction of Property (Gross Misdemeanor - NRS 206.310, 193.155 - NOC 50905).

11 On February 14, 2020, a Guilty Plea Agreement (hereinafter "GPA") was filed in open
12 court containing the following stipulations regarding sentencing: "The parties stipulate to a
13 sentence of two (2) to five (5) years in the Nevada Department of Corrections. The State
14 agrees not to see habitual criminal treatment. Further, the State will not oppose dismissal of
15 Case No. 20F00459X." GPA at page 1.

16 On February 26, 2020, Defendant was sentenced to the Nevada Department of
17 Corrections (hereinafter "NDC") to a minimum of twenty-four (24) months and a maximum
18 of sixty (60) months. Defendant's Judgment of Conviction was filed on March 5, 2020.
19 Defendant did not file a direct appeal.

20 On February 10, 2021, Defendant filed his first Motion for Modification of Sentence.
21 The State filed an Opposition, and that Motion was denied on March 31, 2021. On April 7,
22 2021, the Order Denying Defendant's Motion for Modification of Sentence was filed. On
23 April 22, 2021, Defendant filed a Notice of Appeal. That appeal is still currently pending under
24 Court of Appeals Case No. 82817-COA.

25 On April 27, 2021, Defendant filed a Motion to Transport Prisoner and a second Motion
26 for Modification of Sentence. The State filed an Opposition on June 8, 2021. On June 9, 2021,
27 the Court stated this case is pending before the Nevada Court of Appeals, and was previously
28 filed and denied without prejudice, adding it does not meet the standard to modified. On June

1 29, 2021, Defendant filed another Notice of Appeal. An Order Directing Entry and
2 Transmission of Written Order was filed on August 2, 2021. This appeal is also still currently
3 pending under Nevada Supreme Court Case No. 83150.

4 On July 1, 2021, Defendant filed the instant Motion to Modify and/or Correct Illegal
5 Sentence and Motion to Appoint Counsel. The State responds as follows.

6 ARGUMENT

7 **I. DEFENDANT’S PENDING APPEALS DIVEST THIS COURT OF** 8 **JURISDICTION**

9 The Nevada Supreme Court has declared, “[j]urisdiction in an appeal is vested solely
10 in the supreme court until the remittitur issues to the district court.” Buffington v. State, 110
11 Nev. 124, 126, 868 P.2d 643, 644 (1994). While an appeal is pending, district courts do not
12 have jurisdiction over that case until remittitur has issued. Id. The Nevada Supreme Court “has
13 repeatedly held that the timely filing of a notice of appeal ‘divests the district court of
14 jurisdiction to act and vests jurisdiction in [the appellate] court.’” Foster v. Dingwall, 126 Nev.
15 49, 52, 228 P.3d 453, 454-55 (2010) (quoting Mack–Manley v. Manley, 122 Nev. 849, 855,
16 138 P.3d 525, 529 (2006)). Pursuant to NRS 177.155, the supreme court retains control and
17 supervision of a case “from the filing of the notice of appeal until the issuance of the certificate
18 of judgment.” Buffington, 110 Nev. at 126, 868 P.2d at 644.

19 Only a remittitur will return jurisdiction from an appellate court of competent
20 jurisdiction to the district court. See NRS 177.305 (“After the certificate of judgment has been
21 remitted, the appellate court...shall have no further jurisdiction of the appeal or of the
22 proceedings thereon, and all order which may be necessary to carry the judgment into effect
23 shall be made by the court to which the certificate is remitted.”). Until such remittitur is
24 received, a district court lacks jurisdiction over a particular case. Buffington, 110 Nev. at 126,
25 868 P.2d at 644.

26 However, the Nevada Supreme Court has recognized concurrent jurisdiction when a
27 defendant files a Petition for Writ of Habeas Corpus (Post Conviction). See, Varwig v. State,

28

1 104 Nev. 40, 42, 752 P.2d 760, 761 (1988); see also, Daniels v. State, 100 Nev. 579, 580, 688
2 P.2d 315, 316 (1984).

3 Here, the instant case is on appeal and pending before the Nevada Supreme Court. On
4 April 22, 2021, Defendant filed a Notice of Appeal. That appeal is still currently pending under
5 Court of Appeals Case No. 82817-COA. On June 29, 2021, Defendant filed another Notice
6 of Appeal. This appeal is also still currently pending under Nevada Supreme Court Case No.
7 83150. These pending appeals divest this Court of jurisdiction to entertain the current motions.
8 Therefore, the State respectfully submits that this Court lacks the jurisdiction necessary to
9 address Defendant's motions on their merits.

10 Defendant does not acknowledge his pending appeals, much less provide any theory of
11 jurisdiction that would allow this Court to entertain the instant motions despite the pending
12 appeals. Therefore, pursuant to Buffington and Varwig, because the instant motions are not a
13 petition for habeas relief, it is not excepted from the general rule that an appeal divests the
14 district court of jurisdiction until remittitur issues.

15 Because this Court lacks jurisdiction to address the substance of Defendant's motions,
16 this Court should deny the same.

17 **II. DEFENDANT IS NOT ENTITLED TO A MODIFICATION OF SENTENCE**

18 In general, a district court lacks jurisdiction to modify a sentence once the defendant
19 has started serving it. Passanisi v. State, 108 Nev. 318, 321, 831 P.2d 1371, 1371 (1992),
20 overruled on other grounds by Harris v. State, 130 Nev. 435, 329 P.3d 619 (2014). Not every
21 mistake or error during sentencing gives rise to a due process violation. State v. Dist. Court
22 ("Husney"), 100 Nev. 90, 97, 677 P.2d 1044, 1048 (1984). However, a district court has
23 inherent authority to correct, vacate, or modify a sentence that violates due process where the
24 defendant can demonstrate the sentence is based upon a materially untrue assumption or
25 mistake of fact about the defendant's criminal record that has worked to the extreme detriment
26 of the defendant. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996); see also
27 Passanisi, 108 Nev. at 322, 831 P.2d at 1373. Edwards makes clear that a district court may
28 modify a defendant's sentence "only if the mistaken sentence 'is the result of the sentencing

1 judge's misapprehension *of a defendant's criminal record.*” 112 Nev. at 707, 918 P.2d at 324
2 (quoting Husney, 100 Nev. at 97, 677 P.2d at 1048 (emphasis in original)). Such material
3 mistakes surrounding a defendant's criminal record can arise “either as a result of a sentencing
4 judge's *correct* perception of inaccurate or false information, or a sentencing judge's *incorrect*
5 perception or misapprehension of otherwise accurate or true information.” Husney, 100 Nev.
6 at 97, 677 P.2d at 1048 (emphasis in original).

7 Furthermore, claims asserted in a petition for post-conviction relief must be supported
8 with specific factual allegations, which if true, would entitle the petitioner to relief. Hargrove
9 v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). “Bare” and “naked” allegations are
10 not sufficient, nor are those belied and repelled by the record. Id. It is a defendant's
11 responsibility to present relevant authority and cogent argument; issues not so presented need
12 not be addressed by this court. Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987); see
13 also State v. Haberstroh, 119 Nev. 173, 187, 69 P.3d 676, 685-86 (2003) (“[c]ontentions
14 unsupported by specific argument or authority should be summarily rejected on appeal.”)
15 (internal citations omitted); Jones v. State, 113 Nev. 454, 468, 937 P.2d 55, 64 (1997) (holding
16 that Jones' unsupported contention should be summarily rejected on appeal).

17 The Nevada Supreme Court has held “that a motion to modify a sentence is limited in
18 scope to sentences based on mistaken assumptions about a defendant's criminal record which
19 work to the defendant's extreme detriment.” Edwards, 112 Nev. at 708, 918 P.2d at 324. They
20 address “only the facial legality of a sentence.” Id. They cannot “be used as a vehicle for
21 challenging the validity of a judgment of conviction or sentence based on alleged errors
22 occurring at trial or sentencing.” Id. Such issues “must be raised in habeas proceedings.” Id.

23 When a Defendant pleads guilty, any alleged substantive errors that occurred prior to
24 Defendant's decision to enter that guilty plea are waived in post-conviction proceedings.
25 Woods v. State, 114 Nev. 468, 477, 958 P.2d 91, 97 (1998); Reuben C. v. State, 99 Nev. 845,
26 845-46, 673 P.2d 493, (1983) (“When a criminal defendant has solemnly admitted in open
27 court that he is in fact guilty of the offense with which he is charged, he may not thereafter
28 raise independent claims relating to the deprivation of constitutional rights that occurred prior

1 to the entry of the guilty plea.”); Powell v. Sheriff, 85 Nev. 684, 687, 462 P.2d 756, 758 (1969)
2 (“It is now the established law of this state that where a guilty plea is not coerced and the
3 defendant was competently represented by counsel at the time it was entered, the subsequent
4 conviction is not open to collateral attack and any errors are superseded by the plea of guilty”).

5 In this case, Defendant got exactly what he bargained for. His GPA, which he reviewed
6 and signed with the advice of counsel, clearly and unequivocally delineated the ramifications
7 of his agreement regarding his potential sentencing outcomes, and Defendant received
8 precisely the sentence that he knew he could have received. In fact, he got the *exact* sentence
9 that he agreed to. A motion to modify a sentence is limited in scope to sentences based on
10 mistaken assumptions about a defendant’s criminal record which work to the defendant’s
11 extreme detriment. This was not an illegal sentence, and the Court did not rely on any material
12 mistakes of fact in rendering judgment. The Court properly sentenced Defendant in this case
13 and Defendant is not entitled to a modification of sentence.

14 **III. DEFENDANT IS NOT ENTITLED TO APPOINTMENT OF COUNSEL**

15 Under the U.S. Constitution, the Sixth Amendment provides no right to counsel in post-
16 conviction proceedings. Coleman v. Thompson, 501 U.S. 722, 752, 111 S. Ct. 2546, 2566
17 (1991). In McKague v. Warden, 112 Nev. 159, 163, 912 P.2d 255, 258 (1996), the Nevada
18 Supreme Court similarly observed that “[t]he Nevada Constitution...does not guarantee a right
19 to counsel in post-conviction proceedings, as we interpret the Nevada Constitution’s right to
20 counsel provision as being coextensive with the Sixth Amendment to the United States
21 Constitution.” McKague specifically held that with the exception of NRS 34.820(1)(a)
22 (entitling appointed counsel when petitioner is under a sentence of death), one does not have
23 “any constitutional or statutory right to counsel at all” in post-conviction proceedings. Id. at
24 164, 912 P.2d at 258.

25 However, the Nevada Legislature has given courts the discretion to appoint post-
26 conviction counsel so long as “the court is satisfied that the allegation of indigency is true and
27 the petition is not dismissed summarily.” NRS 34.750. NRS 34.750 reads:

28 A petition may allege that the Defendant is unable to pay the costs of the
proceedings or employ counsel. If the court is satisfied that the allegation

1 of indigency is true and the petition *is not dismissed summarily*, the court
2 may appoint counsel at the time the court orders the filing of an answer
and a return. In making its determination, the court may consider
whether:

- 3 (a) The issues are difficult;
4 (b) The Defendant is unable to comprehend the proceedings; or
(c) Counsel is necessary to proceed with discovery.

5 (emphasis added). Under NRS 34.750, it is clear that the court has discretion in determining
6 whether to appoint counsel.

7 In this case, this Court should summarily dismiss the instant motion because it is devoid
8 of any basis as to why Defendant is entitled to appointed counsel at this time. Further, the
9 Court would be unable to comply with the statutory mandate under NRS 34.750(1) to
10 determine whether to summarily deny a habeas petition prior to the appointment of counsel
11 because Defendant has not filed a petition for writ of habeas corpus. Further still, appointment
12 of counsel is unwarranted as Defendant has failed to demonstrate that the issues in his case, if
13 any, are difficult; Defendant does not complain that he cannot understand the proceedings; and
14 no further discovery is necessary at this stage of the proceedings. See NRS 34.750(a)-(c).
15 Therefore, there is no legal basis whatsoever for the Court to appoint counsel.

16 Accordingly, there is no need for the Court to appoint counsel since there is no basis
17 for the motion. As such, this Court should deny Defendant's Motion to Appoint Counsel.

18 **CONCLUSION**

19 For the foregoing reasons, the State respectfully requests that Defendant's Motion to
20 Modify and/or Correct Illegal Sentence and Motion to Appoint Counsel be DENIED.

21 DATED this 6th day of August, 2021.

22 Respectfully submitted,

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

25 BY /s// TALEEN PANDUKHT
26 TALEEN PANDUKHT
27 Deputy District Attorney
28 Nevada Bar #05734

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CERTIFICATE OF MAILING

I hereby certify that service of the above and foregoing was made this 6th day of August, 2021, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

JUSTIN RASHAD LARKINS #1175371
HIGH DESERT STATE PRISON
PO BOX 650
INDIAN SPRINGS, NV 89070-0650

BY /s/ Kristian Falcon
KRISTIAN FALCON
Secretary for the District Attorney's Office

20F02003X/TRP/DVU

ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
BRANDON ALBRIGHT
Deputy District Attorney
Nevada Bar #014158
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-

JUSTIN ALEXANDER RASHAD
LARKINS,
#1966552

Defendant.

CASE NO: C-20-346867-1

DEPT NO: X

**ORDER DENYING DEFENDANT'S MOTION FOR MODIFICATION OF
SENTENCE**

DATE OF HEARING: June 9, 2021
TIME OF HEARING: 8:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 9th day of June, 2021, the Defendant not being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through BRANDON ALBRIGHT, Deputy District Attorney, COURT STATED this case is pending before the Supreme Court of Appeals, and was previously filed and denied without prejudice, adding it does not meet the standard to modify, based on the pleadings and good cause appearing therefor,

///

///

1 IT IS HEREBY ORDERED that the Defendant's Motion for Modification of Sentence,
2 shall be, and it is DENIED WITHOUT PREJUDICE.
3

4 
5 DISTRICT JUDGE

EC

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

D08 492 17F1 12E3
Cristina D. Silva
District Court Judge

8
9 BY /s/ Brandon Albright
10 BRANDON ALBRIGHT
11 Deputy District Attorney
12 Nevada Bar #014158

13 CERTIFICATE OF SERVICE

14 I certify that on the _6th_ day of _August_, 2021, I mailed a copy of the
15 foregoing Order to:

16 JUSTIN A. LARKINS #1173371
17 HIGH DESERT STATE PRISON
P.O. BOX 650
18 INDIAN SPRINGS, NV 89018

19
20 BY /s/ Kristian Falcon
21 KRISTIAN FALCON
22 Secretary for the District Attorney's Office
23
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28 kf/dvu

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 State of Nevada

CASE NO: C-20-346867-1

7 vs

DEPT. NO. Department 10

8 JUSTIN LARKINS

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Denying Motion was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/24/2021

15 Steven Wolfson

motions@clarkcountyda.com

16 Department 10

DC10Inbox@ClarkCountyCourts.us

17 Taleen Pandukht

taleen.pandukht@clarkcountyda.com

ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LAURA GOODMAN
Deputy District Attorney
Nevada Bar #13390
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-

JUSTIN ALEXANDER RASHAD
LARKINS, #1966552

Defendant.

CASE NO: C-20-346867-1

DEPT NO: X

**ORDER DENYING DEFENDANT'S MOTION TO MODIFY AND/OR CORRECT
ILLEGAL SENTENCE AND MOTION TO APPOINT COUNSEL**

DATE OF HEARING: August 23, 2021

TIME OF HEARING: 8:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 23rd day of August, 2021, the Defendant not being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through LAURA GOODMAN, Deputy District Attorney, and the Court without argument, based on the pleadings and good cause appearing therefor,

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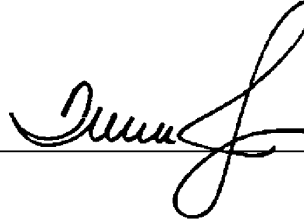
///

\\CLARKCOUNTYDA.NET\CRM\CASE2\2020\045\52\202004552C-ORDR-(JUSTIN ALEXANDER LARKINS)-003.DOCX

Statistically closed: N. USJR - CR - Other Manner of Disposition (USCO)

1 IT IS HEREBY ORDERED that the Defendant's Motion to Modify and/or Correct
2 Illegal Sentence and Motion to Appoint Counsel, shall be, and it is DENIED. This Order is
3 consistent with the State's Oposition. Dated this 26th day of August, 2021

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

049 DFF 0512 D91A
Tierra Jones
District Court Judge

BY /s/ LAURA GOODMAN
LAURA GOODMAN
Deputy District Attorney
Nevada Bar #13390

CERTIFICATE OF SERVICE

I certify that on the 26th day of August, 2021, I mailed a copy of the foregoing Order
to:

JUSTIN RASHAD LARKINS, BAC #1175371
HIGH DESERT STATE PRISON
P. O. BOX 650
INDIAN SPRINGS, NEVADA 89070

BY /s/ J. HAYES
Secretary for the District Attorney's Office

20F02003X/jh/DVU

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 State of Nevada

CASE NO: C-20-346867-1

7 vs

DEPT. NO. Department 10

8 JUSTIN LARKINS

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/26/2021

15 Steven Wolfson

motions@clarkcountyda.com

16 Department 10

DC10Inbox@ClarkCountyCourts.us

17 Taleen Pandukht

taleen.pandukht@clarkcountyda.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 14, 2020

C-20-346867-1 State of Nevada
 vs
 JUSTIN LARKINS

February 14, 2020 10:00 AM Initial Arraignment

HEARD BY: Wittenberger, Shannon **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Kristen Brown

RECORDER: Sharon Nichols

REPORTER:

PARTIES

PRESENT: Bernstein, Kelsey L. Attorney
 LARKINS, JUSTIN A Defendant

JOURNAL ENTRIES

- Deputized Law Clerk, Joshua Judd appearing for the State.

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. LARKINS ARRAIGNED AND PLED GUILTY TO BATTERY WITH USE OF A DEADLY WEAPON CONSTITUTING DOMESTIC VIOLENCE (F). Parties agreed to waive the Pre-Sentence Investigation (PSI) Report and use the PSI from C343544. Court ACCEPTED plea, and ORDERED, matter SET for sentencing.

CUSTODY

2/26/20 8:30 AM SENTENCING (DEPT. 10)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 26, 2020

C-20-346867-1 State of Nevada
 vs
 JUSTIN LARKINS

February 26, 2020 8:30 AM Sentencing

HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Albright, Brandon B.	Attorney
	LARKINS, JUSTIN A	Defendant
	Sheets, Damian R.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT. LARKINS ADJUDGED GUILTY of BATTERY WITH USE OF A DEADLY WEAPON CONSTITUTING DOMESTIC VIOLENCE (F). Counsel submitted the matter on the negotiations. Statements by deft. Victims speakers Sworn and gave statements. Using PSI from C343544, COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a DNA Analysis fee including testing to determine genetic markers, WAIVED, and \$3.00 DNA Collection fee, Deft. SENTENCED to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC); with 31 DAYS credit for time served.

BOND if any, EXONERATED.

NDC

PRINT DATE: 09/02/2021

Page 2 of 14

Minutes Date: February 14, 2020

C-20-346867-1

PRINT DATE: 09/02/2021

Page 3 of 14

Minutes Date: February 14, 2020

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 24, 2020

C-20-346867-1 State of Nevada
 vs
 JUSTIN LARKINS

November 24, 2020 1:00 PM Minute Order

HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- The above-referenced matter is scheduled for a hearing on Monday, November 30, 2020, with regard to the Defendant s Pro Per Motion to Dismiss Counsel and Appoint Alternate Counsel. This Court has reviewed the papers and pleadings on file, and has determined that the case may be resolved on the papers, and consequently issues this Minute Order.

Following review of the papers and pleadings on file herein, COURT ORDERED, Defendant s Motion is GRANTED IN PART, DENIED IN PART. Defendant s Motion is granted regarding the dismissal of counsel. But, Defendant s Motion is denied regarding appointment of alternate counsel as Defendant has no pending matters before the Court.

Attorney Damian Sheets Esq. is ordered to provide the Defendant with a full copy of his case file. Because this matter has been resolved on the papers, the hearing scheduled for November 30, 2020 will be taken off-calendar, and there is no need for any party or attorney to appear.

Clerk's Note: This Minute Order was electronically served by Courtroom Clerk, Teri Berkshire, to all registered parties for Odyssey File & Serve/tb

PRINT DATE: 09/02/2021

Page 4 of 14

Minutes Date: February 14, 2020

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 03, 2021

C-20-346867-1 State of Nevada
 vs
 JUSTIN LARKINS

March 03, 2021 8:30 AM Motion to Modify Sentence

HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Kristin Duncan

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Hellman, Baylie Attorney
 State of Nevada Plaintiff
 Thomas, Morgan B.A. Attorney

JOURNAL ENTRIES

- The Court noted that the Defendant's Motion for Modification of Sentence, was filed in proper person. Ms. Hellman moved to withdraw Damian Sheets, Esq. as counsel of record. There being no opposition, COURT ORDERED Damian Sheets, Esq.'s request to withdraw as counsel of record, was hereby GRANTED; DEFT. shall proceed in PROPER PERSON. COURT FURTHER ORDERED Defendant's Motion for Modification of Sentence, was hereby CONTINUED, to allow the State to file an Opposition.

CUSTODY

CONTINUED TO: 3/31/21 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 31, 2021

C-20-346867-1	State of Nevada
	vs
	JUSTIN LARKINS

March 31, 2021	8:30 AM	Motion to Modify Sentence	Defendant's Motions for Modification of Sentence
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HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Jennifer Lott

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	State of Nevada	Plaintiff
	Wong, Hetty O.	Attorney

JOURNAL ENTRIES

- COURT ORDERED, motion is DENIED. State will prepare the Order consistent with the Opposition.

IN CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 19, 2021

C-20-346867-1 State of Nevada
 vs
 JUSTIN LARKINS

May 19, 2021 8:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: State of Nevada Plaintiff
 Wong, Hetty O. Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Ms. Wong present via video, on behalf of the State, through bluejeans technology.

MOTION TO TRANSPORT PRISONER...MOTION FOR MODIFICATION OF SENTENCE.

Deft. not present and in the Nevada Department of Corrections. COURT ORDERED, matters CONTINUED for the State to respond to the motions.

NDC

06/09/21 8:30 A.M. MOTION TO TRANSPORT PRISONER...MOTION FOR MODIFICATION OF SENTENCE

PRINT DATE: 09/02/2021

Page 8 of 14

Minutes Date: February 14, 2020

C-20-346867-1

Clerk's Note: A copy of these minutes mailed to JUSTIN LARKINS I.D. 1175371 HDSP P.O. BOX 650
INDIAN SPRINGS, NEVADA 89070

PRINT DATE: 09/02/2021

Page 9 of 14

Minutes Date: February 14, 2020

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 09, 2021

C-20-346867-1 State of Nevada
 vs
 JUSTIN LARKINS

June 09, 2021 8:30 AM All Pending Motions

HEARD BY: Silva, Cristina D.

COURTROOM: RJC Courtroom 14B

COURT CLERK: Kory Schlitz

RECORDER: Gina Villani

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- MOTION TO TRANSPORT PRISONER... MOTION FOR MODIFICATION OF SENTENCE...

Defendant not present and in custody in the Nevada Department of Corrections; Deputy District Attorney Jake Merback present on behalf of the State.

COURT STATED this case is pending before the Supreme Court of Appeals, and was previously filed and denied without prejudice, adding it does not meet the standard to modified.

NDC

CLERK'S NOTE: A copy of this Minute Order has been mailed to: Justin Larkins #1175371, PO BOX 650, Indian Springs, Nevada 89070. (6-23-2021 ks)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 26, 2021

C-20-346867-1 State of Nevada
 vs
 JUSTIN LARKINS

July 26, 2021 8:30 AM All Pending Motions

HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Angelica Michaux

REPORTER:

PARTIES

PRESENT: Rhoades, Kristina A. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Ms. Rhoades present via video on behalf of the state, through bluejeans technology.

Motion to Modify and or Correct Illegal Sentence....Motion for Appointment of Attorney

Deft. not present and in the Nevada Department of Corrections. COURT ORDERED, matters CONTINUED to the date given, for the state to respond.

NDC

C-20-346867-1

CLERK'S NOTE: A copy of this Minute Order has been mailed to: Justin Larkins #1175371, PO BOX 650, Indian Springs, Nevada 89070. tb

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 23, 2021

C-20-346867-1 State of Nevada
 vs
 JUSTIN LARKINS

August 23, 2021 8:30 AM All Pending Motions

HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Natalie Ortega

RECORDER: Deloris Scott

REPORTER:

PARTIES

PRESENT: Goodman, Laura Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- MOTION FOR APPOINTMENT OF ATTORNEY...MOTION TO MODIFY AND OR CORRECT
ILLEGAL SENTENCE

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

COURT NOTED it read the motions and opposition. COURT ORDERED, Motion For Appointment
Of Attorney
and Motion To Modify And Or Correct Illegal Sentence DENIED; State to prepare the Order that is
consistent with their Opposition.

CLERK'S NOTE: The above minute order has been mailed to the following:

JUSTIN RASHAD LARKINS #1175371
HIGH DESERT STATE PRISON
PO BOX 650
INDIAN SPRINGS, NV 89070-0650

PRINT DATE: 09/02/2021

Page 13 of 14

Minutes Date: February 14, 2020

C-20-346867-1

/ndo

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated August 27, 2021, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises two volume with pages numbered 1 through 288.

STATE OF NEVADA,

Plaintiff(s),

vs.

JUSTIN ALEXANDER RASHAD LARKINS
aka JUSTIN ALEXANDER LARKINS,

Defendant(s),

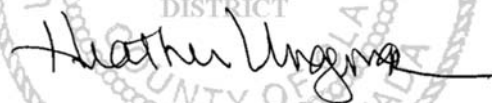
Case No: C-20-346867-1

Dept. No: X

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 2 day of September 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk