

FILED

FEB 11 2022

Elizabeth A. Brown
CLERK OF COURT

1 Joseph Napoleon Warren III

District Case Number 21-356222-1

2 VS

Docket #

3 State of Nevada

C-21-356222-1
Electronically Filed
Feb 25 2022 02:18 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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Notice of Appeal From
Wrongful Conviction/Guilty Plea Arrangement

Appellant Humbly comes before this court, in high hopes
and expectations of being granted relief from this
Wrongful Conviction by way of a Guilty Plea Arrangement.

FACTS

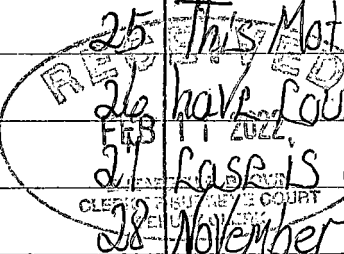
On August 26th 2021 A Guilty Plea Arrangement was
made. I Joseph Napoleon Warren III, in haste and
under extreme duress and fear, agreed to a dismis-
sal of the crimes of Home Invasion, Residential Burglary,
Battery With Deadly Weapon, Attempt Robbery and Attempt
Murder... To A Gross Misdemeanor, of Attempt Battery.

The above mentioned charges, magnified at my prelimi-
nary hearing, which was held on May 24th 2021. The
anxiety and fear, that I experienced, which led to
this arrangement, will be outlined in the attached
exhibits.

On September 16th [SEE Exhibit ZC] I mailed a
motion to withdraw Guilty Agreement. [SEE Exhibit ZB]
This motion was not allowed through, for it says, that I
have counsel on file. [See Exhibit ZR] How is that so if my
case is closed? Your Honor I must add that today is
November 3rd 2021 and I still have not laid eyes upon

FEB 24 2022

RECEIVED
APPEALS



1 this Plea Arrangement. Your Honor, ON May 24th 2021 At My
2 Preliminary Hearing in Justice Court, Presided by LITIZIA KARNOW,
3 I Was Bound over to District Court... With No Evidence
4 And on perjured Testimony. Constitutional Law dictates that
5 A Victim... Not a specialist, expert or an eyewitness... But
6 A Victim, Must give testimony At A Preliminary Hearing Against
7 A Defendant. Not only Was my alleged Victim Not in the Court
8 room... But I found out later that day, it Was in fact
9 my alleged Victims son, Pretending to be his father committing
10 Perjury. Also Investigating officer T. Albright committed
11 perjury. For that was the first time I have ever seen him
12 in my life. I must re-iterate, my Preliminary Hearing Was
13 held on May 24th, I Was bound over May 26th two days
14 Later. ON June 8th 2021. [See Exhibit 2-A] I mailed a
15 Supplement Motion to Dismiss Counsel. [See Exhibit 2-B AND
16 2-C] Explaining in detail the errors AND out right disregard
17 For the Constitution AND Human Rights. The following week I
18 mailed a Second Supplement to Dismiss Counsel, Presenting
19 the Evidence of Whom committed Perjury. [See Exhibit 3A,
20 3-B AND 3-C] Also on the Date of July 13th 2021 See Exhibit
21 4A] I Also mailed a Motion to Dismiss Case NO: 21-356232-1.
22 Both Motions Were received by the Clerk of the Court, ON
23 July 26th 2021. [See Exhibit 4B, 4B-B AND 4-C] [Exhibit 5 (see)
24 Is the report, by T. Albright, Detailing his interview with
25 Bruce Agard SR. At the hospital AND how he later made
26 Contact with Bruce Agard JR
27 ON August the 8th I mailed a Motion to Represent myself.
28 It Was recieved by the Clerk of the Court ON August 16th

1 2021. Two(2) Weeks before my trial was suppose
2 to begin [SEE Exhibit 6A AND 6B] ON AUGUST 18th 2021, IT
3 Was Filed INTO COURT UNDER Defendants Motion to
4 Dismiss Counsel. IN this Motion I expressed my dismay
5 of how there was no regard for me or the law... of
6 how I was blatantly being mistreated AND ignored,
7 in a closed court, which was held on August 5th 2021
8 See Exhibit 6A AND 6B. Exhibit 6D AND E is A Written
9 Copy of the Original Draft... for the copy presented
10 by the courts is damaged on lines 27 AND 28.

11 ON August 19th 2021 Debra Mason completed A sworn
12 Affidavit, Notarized by Jackie Plover [See Exhibit 7A, 7B
13 AND 7C] Debra Mason's Affidavit Corroborates what
14 I've been saying since May 24th 2021. Further more
15 the screen shots provided by Debra Mason's phone, [SEE
16 Exhibit 7D, 7E AND 7F] Shows AND prove the Violation of
17 Attorney Client Confidentiality. Also Exhibit 7E Shows
18 how he had this information on May 26th 2021 At 6:12
19 A.M... Hours before I was bound to District Court
20 Which clearly shows his blatant, Non-Action on my
21 behalf AND everything I perceived of him to be true.
22 ON August 24th I was prepared to submit a Brady
23 Motion that I prepared, for my trial was to begin
24 August 30th 2021. And I was not going to trial with Dan
25 Jenkins. It was then ordered for me to appear in court
26 ON ~~24~~ August 26th 2021, It was then... all out of No-Where.
27 A deal was presented of A Gross Misdemeanor to be treated
28 as a Misdemeanor. I was under extreme Duress

1 And With this Abrupt Change of events.... From Not
2 being listen to... to Dan Jenkins telling me of serving
3 A sentence of 50 to life to... to Attempted Battery
4 ?? Knowing that I should be getting these charges
5 dismissed, Knowing that the opposition, the state
6 Prosecution broke the law... And No one is stopping
7 them or upholding the Constitution of the United
8 States.... On August 26th 2021 A Guilty Plea
9 Arrangement Was entered and my case Was closed
10 ON September the 16th [SEE Exhibit ZC] I mailed A
11 Motion to Withdraw Guilty Plea Agreement. [See Exhibit
12 ZB] This Motion Was Not Allowed through... for it
13 says that I have counsel on file... How is that
14 so if my case is closed??

15 I Feel that I'm being thwarted at every turn, I find
16 it Amazing that in this day and Age, that such disregard
17 for a person and the Constitution can be so blatant/Yet
18 shows. Your Honor, these Procedural and Constitutional Violations
19 began on March 29th 2021. For on March 25th 2021, I Was
20 detained for an incident At a Ross clothing store. The officers
21 on the scene deduced, that the situation had nothing to do
22 With me. I Was about to be released, but my parole officer
23 requested that I be detained, until I Was seen by him.
24 Body Cam Will Corroborate I had No Warrants. [See Exhibit 8]
25 My own true booking sheet. On March 28th 2021, I Was
26 Interviewed by two officers, Neither of them Was Officer
27 T. Albright. [Video Footage Will Prove this fact] At the end of
28 the interview, I Went out one door, they Went out another

1 I Was Not arrested, Nor read my Miranda Rights, AND
2 I Was Not taken down stairs to be rebooked for
3 any Charges. The 46 officers that interviewed me,
4 saw the situation for what it was, a simple fight. I
5 never beat that man with a crowbar. ON March 29th the
6 next day at arraignment, the Public Defender, A Woman said
7 that "When the judge calls your name, you will be a glorious
8 stand up AND sit down." for I was awaiting a PIP visit.
9 When Judge Litizia Harmony called my name, she read off
10 A List of Charges that blew my mind.

11 At my Revocation Hearing, which was held on November 30th
12 2021. The prosecution said I was lucky for the Gross Mis-
13 demeanor, then she read the police report from the Dismiss-
14 ed Charges, AND my parole was revoked until December
15 2023. Which is a further encroachment upon my rights.

16 Ground I, Violation of Brady Material, 5th and 14th Amen

17 Appellant contends that my Fifth Amendment Constitutional
18 Right Was Violated, for on March 28th 2021 an interview was
19 conducted At C.C.D.C. I was not read the Miranda Rights, Nor
20 Was I arrested, rebooked for any crimes. ~~ON~~ Miranda Vs.
21 Arizona 384 U.S. 436, 86 S.Ct 1602 AND I did not learn of these
22 Charges until the next day, a Violation of my 14th Amendment
23 Right of Due Process. ON May the 6th 2021, I said these
24 words in court, to the Honorable Judge Litizia Harmony in
25 Justice Court Room #3. She asked me "Should I dismiss these
26 Charges because you said so?" I responded by saying "Every
27 word im saying can be proven by Video footage." Which
28 Appellant contends was being suppressed. In Violation of the

1 Brady Rule. [Brady V. Maryland 373 U.S. 83, 83 S.Ct. 1194]

2 If this Video Footage Would have been shown, it Would
3 have shown that Procedure Was Not Followed.

4 Ground 2: Ineffective Assistance of Counsel.

5 Appellant contends that MY 6th Amendment Right, Was Violated
6 by the UNprofessionalism of Daniel Jenkins [Strickland V.
7 Washington 466 U.S. 668, 104 S.Ct. 2052]. I Was appointed
8 Counsel ON March 31st 2021, Preliminary Hearing Was sche-
9 -duled for April 14th 2021. The first time I spoke With Dan
10 Jenkins Was ON April 13th ON the phone. That Was the first
11 time I heard of the Attempt Murder Charge. He then Went
12 ON to tell me OF What could get thrown out AND What
13 I Would face at trial AND I Would end up With abo-
14 -ut 40 or 50 to Life.. I then began to tell him that Procedure
15 Wasn't Followed, that I Was Not read the Miranda Rights, Arre-
16 sted, Nor Was I re-booked For any charges. He told me
17 that "Procedure didn't matter." MY response Was "How can
18 you say Constitutional Procedure don't matter?" I then
19 told Him to listen to the audio tape of the interview.

20 Excuse MR... [Before I told him of the Procedural errors
21 he offered me a deal to plead Guilty to one of the lesser
22 felonies, AND the case Would be closed With time served.
23 AND then I Would have to deal With P3P At MY Revocation
24 hearing] The next day At Court I SAW Mr Jenkins For the
25 first time. He told me he hadn't listened to the audio of
26 the interview, AND requested A continuance for the 21st of
27 April. ON the 15th of April I Was transferred to Prison. ON
28 the 19th of April I contracted COVID 19. I recovered enough

1 To APPEAR in court ON May 6th 2021. Dan Jenkins brought
2 me, transcribed documents of the interview that was
3 conducted on March 28th 2021. After a few moments of looking
4 at the documents, I told Mr. Jenkins, "This shit didn't happen,
5 Where is the Audio?" He turned from me saying "I wasn't
6 there." I stood up and addressed the court and I gave
7 the Honorable Litzia Harmony a rendition of what I told
8 Dan Jenkins on the phone. Her response was "Do you want
9 me to dismiss these charges because you said so?"
10 My response was "I won't lie about anything. Everything at
11 C.C.D.C. is monitored and recorded, just watch the tape."
12 My Constitutional Rights, were being disregarded and ignored,
13 and the video evidence I spoke of was being suppressed.
14 This Malfeasance would continue on May 24th 2021. [See
15 Exhibit 2B and 2C]

16 Ground 3: Prosecutorial Misconduct, Subornation of Perjury,
17 Confrontation Clause, Ineffective Assistance of Counsel, Right
18 of Due Process.

19 Appellant contends that MY 5th, 6th, 8th and 14th Constitutional
20 Rights were violated ON May 24, 2021. [Williams v. Taylor, 529 U.S.
21 325, 120 S.Ct. 1479] The Prosecution committed misconduct, when
22 the states only two witnesses gave perjured testimony. [See
23 Exhibit 3B] AND [Exhibit 3A] [Brisco v. Latture, 460 U.S. 325, 103
24 S.Ct. 1108] Officers who commit perjury are not immune
25 from possible criminal penalties against, if their testimony is
26 determined to be perjured. [See Exhibit 4BB and 4C] AND
27 [Exhibit 5] Investigator/Detective Albright, willfully committed
28 perjury and procured Bruce Agard JR to bin him, with the

1 Acceptance of the Prosecution AND MY Public Defender, DAN
2 Jenkins.
3 Ground 4: Ineffective Assistance of Counsel [Strickland v.
4 Washington, 466 U.S. 668, 104 S. Ct 2052] Confrontation Clause
5 Coy v. Iowa, 487 U.S. 1012, 108 S. Ct. 2798]
6 Appellant contends that MY 6th Amendment Constitutional Right
7 Was Violated, For I Was Unable to Confront MY ACCUSER
8 At MY Preliminary Hearing. The Prosecution Presented No evidence,
9 IF Pictures Would have been shown, It Would have been Revea
10 led that Bruce Agard SR Was Not Present in Court [See Exhibit
11 3C] Whom Was Not in Court, That Photo Was Retrieved From
12 Bruce Agard SR, Face Book Account, Which has Recently shut
13 down. The same as With Bruce Agard JR. His Face Book
14 account has shut down Also. At MY Preliminary Hearing I
15 Knew For a Fact, that Bruce Agard Was Not on the Witness
16 Stand, I Was still in shock, From the Perjured testimony,
17 of the "Totten Pocket," Police Officer, AND At the time I had
18 No Idea of a son... An impersonator For sure. For the
19 Police Officer, the District Attorney, AND DAN Jenkins.. Didn't Know
20 that I had seen Bruce Agard S.R. on "3," three different
21 occasions After our incident, AND each time We Were
22 Less than "5," Five feet Apart. Pardon ME I digress... Two
23 days After MY Preliminary Hearing, ON May 26th 2021, I Was
24 scheduled for Court At 1:30 PM to be bound over. That Morning
25 At 6:12 AM Debra Mason Contacted Dan Jenkins AND sent
26 him Photos of both the Agards... hours before MY Court
27 Appearance. [See Exhibit 7E AND 7F] From the very beginning
28 Daniel Jenkins conduct, behavior AND unprofessional errors

1 has ~~been~~ demonstrated AND shown through-
2 out this whole process,, it seems his whole objective
3 was to thwart my every move, suppress ANY helpful
4 evidence AND to keep my voice from being heard.

5 Ground 5: Judicial Error, Judicial Misconduct, in
6 Violation of MY Fourteenth Constitutional Right.

7 Appellant contends that I suffered a Deprivation of A
8 Constitutional Right. [United States V. Lanier 520 US 259, 117
9 S.Ct. 1219]. Title 18 U.S.C. Section 242 makes it criminal
10 to act WILLFULLY AND UNDER COLOR OF state law to deprive
11 a person of rights protected by the Constitution or
12 laws of the United States encompassed by the due
13 Process Clause of the Fourteenth Amendment. Every
14 Exhibit AND document that I have enclosed is a Factual
15 truth, AND all of these documents, I presented to
16 Judge Newberry.... AND I was ignored [See EXHIBIT 6 DANA
17 E] Appellant also contends that the Judge is in Violation of
18 Rule 12 of the Federal Rules of Criminal Procedure.

19 : Which Governs Plea Bargains AND Plea Bargain Hearings.
20 Judges are supposed to address defendants who wish
21 to Plead Guilty in open court AND determine the Voluntary-
22 -SS of their Plea. Further, Judges are ordered by statute
23 to determine whether there is factual basis for the
24 Plea... Meaning, What would the Prosecutor have introduced
25 as evidence against the defendant if the case had
26 gone to trial. Thus... if the prosecutor fails to furnish
27 the Judge with evidence that would have resulted in
28 the defendant's guilt, beyond a reasonable doubt, then

1 the Judge Would be Compelled to reject the guilty
2 Plea and dismiss the case against the defendant.
3 [McCarthy V. United States 394 U.S. 459, 89 S.Ct. 1166]
4 IF the Prosecution Would have Presented A Photo at the
5 Preliminary it Would have shown Agard SR Was Not in the
6 Court Room... I furnished the Judge With all the evidence
7 for a dismissal for "3" three months straight [See Exhibit 4BB]
8 [See All Exhibits] Now, today is February 1st And I still have
9 Not read or seen the Guilty Plea Arrangement. I mailed a Motion
10 to Withdraw Guilty Plea Arrangement [See Exhibit 2A, 2B And 2C]
11 This Motion Was Not Allowed Through, for it says, that I have
12 Counsel on file. I Asked Debra Mason to Call the Public
13 Defenders Office, to find out Who Was my Counsel, And
14 She Was told that I didn't have Counsel.
15 Appellant Prays that in light of Prosecutorial Misconduct, Perjury,
16 egregious ineffective Assistance of Counsel, Judicial Error
17 And Multiple Constitutional Violations... Appellant Prays that this
18 Court Will Reverse And Vacate this Wrongful Conviction.

19
20
21 Respectfully and Humbly Submitted
22 Joseph Napoleon Warren III
23 P.O. Box: 650
24 Indian Springs, NV.
25 89070
26
27
28



Exhibit I-A

**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

September 22, 2021

Attorney: Public Defender
Clark County Public Defender
309 S 3rd Street Suite #2
Las Vegas NV 89101

Case Number: C-21-356232-1
Department: Department 21

Defendant: Joseph Napoleon Warren, III

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 Withdraw Guilty Plea Agreement

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

Exhibit 1B

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Joseph N. Warren III

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V

Case No. C-21-356232

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State of Nevada

Dept. No. 21

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Motion to Withdraw Guilty Plea Arrangement

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Your Honor, I would like to Withdraw and or reconstruct the Guilty Plea Arrangement which was entered on 8-26-21. Due to the unexpectedness of the Arrangement, which was made over the phone...in the span of less than ten minutes. I feel that it wasn't an appropriate enough time to go over the Plea Arrangement. Also due to COVID-19 I was unable to read the Plea Arrangement myself, and I fear there could be Ambiguous wording which will disrupt the Arrangement. I pray that in all fairness, that you will Withdraw the Plea Arrangement, and allow me the opportunity to go over the Plea Arrangement properly, so that there can be no discrepancy.

Respectfully Submitted
Joseph N. Warren III 30727
P.O. Box 650
Indian Springs, Nevada
89670

Joseph Warren 30727
P.O. Box 650
Indian Springs, NV
89090

LAS VEGAS NV 890

17 SEP 2021 PM 4 L

Thinking



FOREVER USA

Steven D. Emerson
Clerk of the Courts
200 Lewis Avenue 3rd Floor
Las Vegas, Nevada 89155

89101\$6300 C075

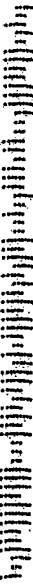


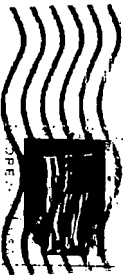
Exhibit I-C

SEP 16 2021
UNIT 6 C/D

Exhibit 2A

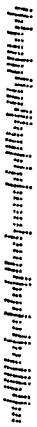
Joseph Libral #20124
PO Box 650
Mesa, Arizona 87050

LAS VEGAS NV 890
16 JUL 2021 PM 5 L



Stellen D. Libral
Clerk of the Court
200 Laddis Avenue, 2nd Floor
Las Vegas, Nevada
89155

5910136900 COT5



UNIT 5 A/B

JUN 08 2021

HIGH DESERT STATE PRISON

Exhibit 2B

August 12, 2021 1:30 PM		FILED JUL 21 2021 CLERK OF COURT
1 State of Nevada		
2 V	Case No.	C-21-356232-1
3 Joseph W. Warren III	Dept.	Dept. 21
RECEIVED		
JUL 20 2021		
Supplement Motion to Dismiss Counsel		
Facts		
CLERK OF THE COURT		
Your Honor, I must bring to light of the Mockery that's being made		
of the Judicial system. The two witnesses against me, who gave		
false testimony at my preliminary hearing, was all a ruse put together		
by the D.A., Investigator T. Albright and my public defender Dan		
Jenkins. On May 24 th Investigating Officer T. Albright got on the witness		
stand and testified that he interviewed me at C.C.D.C., arrested me,		
read me the Miranda rights and booked me electronically. I told Mr.		
Jenkins that "I have never seen this man a day in my life." Every-		
thing is recorded and monitored at C.C.D.C. "Video" evidence of March		
16 th 28 th will prove that T. Albright was not/ neither of the two officers		
that interviewed me. The other person got on the witness stand		
looking like the "Invisible Man." His dress for court consisted of		
some sort of hat that covered most of his forehead, real big		
bifocal glasses... (seeing glasses) and a COVID mask. Since		
my incident with Bruce Haged, I have seen him on "3" three		
different occasions. When this person approached the witness		
stand, immediately I noticed that this person has lighter skin and		
the build of the body wasn't right. I asked Dan Jenkins to		
get a photo of the alleged victim, so we could compare it with		
the person giving testimony... And he ignored me... Twice. I told		
him that wasn't right and that we must talk... And I haven't spoken		
to him since. When I got back to prison, I conducted my own		

Exhibit 2C

1 investigation and came to the realization that the person
2 that was on the witness stand committing perjury was
3 Bruce Agard JR the son of Bruce Agard SR my alleged
4 victim. Unlike my preliminary hearing, I have photos of
5 the father and the son. The son wears bifocals the father
6 does not. The father is more my complexion, the son is of
7 lighter skin tone. I was hounded over with no evidence
8 ...it's always pictures at a preliminary hearing. A photo
9 would have shown that Bruce Agard SR the alleged victim
10 was not present in the court room and I pray that I have
11 done that today. [I will bring photos to court]
12 Without my knowledge or consent, Don Jenkins has been
13 discussing my case with Debra Mason. He told her that I
14 couldn't win, I confessed and that I called myself detestable
15 some other woman's honor. He's created strife between us.
16 Debra Mason sent him photos of the Agards behind my
17 back. In retrospect it shows that he had knowledge.
18 Even though Don Jenkins could have took what I said in
19 court along with the photos and used them for my defense
20 he decided to cover it up and keep his conversations
21 with Debra Mason a secret from me.
22 Your Honor, my intentions were never meant to disrespect
23 you or the court, I've been trying to speak since May 24th
24 desperate to convey this wrong... felt like being muffled
25 while being buried alive. Respectfully Submitted
26 Joseph N. Warren III 30729
27 P.O. Box 650
28 Indian Springs, NY, 89070

Exhibit 3A

1 State of Nevada
2 ✓
3 Joseph N. Warren III

Case No. 21-356232-1
Case No. 21-CR-015138
Dept No. 21

FILED

JUL 28 2021

CLERK OF COURT

Second Supplement to Motion to Dismiss Counsel

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8 Your Honor, With All due respect I submit these photos of
9 the Agards. Exhibit #1 Is Bruce Agard JR. ON May 24th
10 2021, Bruce Agard JR. committed Perjury at my preliminary
11 hearing. When he got on the Witness stand AND claimed
12 to be his father. Video Footage from 5-24-21 of Prelimin-
13 ary hearing, Will show that he did commit Perjury. The
14 bifocals he wore in court, Were bigger AND thicker
15 than the pair in this Photo. He did mention that his eyes
16 got worse. Exhibit #2 Is Bruce Agard SR. Whom the
17 son Was impersonating. Bruce Agard SR. darker complexion
18 And he does Not wear bifocals.
19

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CLERK OF THE COURT

JUL 26 2021

RECEIVED

Respectfully Submitted

Joseph N. Warren III #30727

P.O. Box: 650

Indian Springs, N.Y. 89070

BRUCE AGARD IR EXHIBIT AB



BRUCE BOARD SR EXHIBIT 73C



Joseph Johnson
PO Box 650
Indian Springs, NV
89070

LAS VEGAS NV 890
20 JUL 2021 PM 5 L

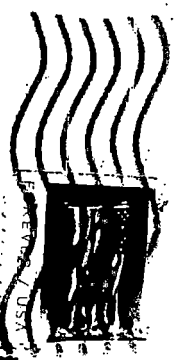


Exhibit 4-A

HIGH DESERT STATE PRISON
JUL 12 2021
UNIT 5 A

RECEIVED
JUL 26 2021
CLERK OF THE COURT
89101-630000

Steven D. Erickson
Clerk of the Court
200 Wells Avenue, 3rd Floor
Las Vegas, Nevada
89101



Exhibit 4B

**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

July 28, 2021

Attorney: Public Defender
Clark County Public Defender
309 S 3rd Street Suite #2
Las Vegas NV 89101

Case Number: C-21-356232-1
Department: Department 21

Defendant: Joseph Napoleon Warren, III

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 Dismiss Case

Rule 3.70. Papers which May Not be Filed

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

1 State of Nevada
2 V
3 Joseph N. Warren III

Case No. 21-356232-1
Case No. 21-CR-015138
Dept No. 21

4
5 Motion to Dismiss Case No. ~~21-CR-015138~~
6 21-356232-1

7 Facts

8
9 Your Honor, the day after my incident with Bruce Agard
10 d^{SR}, He sent two photos of himself in the hospital
11 to D'Lynn Darsey. Detective T. Albright said in his
12 report that he conducted an interview with Bruce Agard
13 d^{SR} at the hospital and later made contact with Bruce
14 Agard JR. Detective T. Albright and myself both saw
15 Bruce Agard^{SR} the day after the incident, the only
16 difference is that Detective T. Albright was in person
17 while I looked at the two photos. Therefore on May 24th
18 2021 at my preliminary hearing, Detective T. Albright knew
19 that his co-witness was in fact Bruce Agard JR and they
20 both committed perjury. Both of these witnesses are state
21 witnesses put in place by the D.A.. Forgive me your Honor
22 for I can't find her name on any document, she also had
23 to know that it was Bruce Agard JR. And the way how
24 my public defender Dan Jenkins ignored me twice when I
25 asked him to produce a photo so that we could compare
26 it to the person testifying against me, the way how he
27 reacted when I told him "that isn't Agard, we need to talk"
28 and his constant non-action on my behalf shows that he

CLERK OF THE COURT

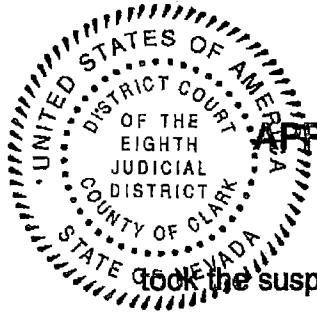
RECEIVED
JUL 26 2021

Exhibit 4C

1 Also knew that Bruce Aard ^{JR} Was committing perjury.
2 I once read that: "IF A defendant can Not be convicted
3 Fairly, then he should Not be convicted At All." Now is it
4 in the midst of Prosecuting me, the opposition breaks the
5 law... And I go to trial? In light of Prosecutorial Mis-
6 Conduct, Perjury, egregious ineffective Assistance of Counsel
7 And multiple Constitutional Violations... Your Honor I humbly
8 beseech that you Will dismiss this case.
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Respectfully Submitted
Joseph N. Warren III 30927
P.O. Box 650
Indian Springs, NV
89070

3/8/2021



LAS VEGAS METROPOLITAN POLICE DEPARTMENT

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT
(Continuation)

Event #: LLV200900120334

Exhibit 5

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

took the suspect to the bedroom and then to the kitchen. Bruce grabbed a kitchen knife

but the suspect punched Bruce over 10 times and struck Bruce with a crowbar twice.

Bruce eventually passed out. Bruce described the suspect as a black male adult 5'6" to 5'9", 180 to 215 pounds, wearing dark clothing, and had shoulder length corn rows.

Bruce did not notice if anything was taken and Bruce did not have any money. As a result of the attack Bruce sustained a laceration on the left side of his head, a broken nose, and bruising to the face.

Detective Albright contacted, via telephone, Bruce Agard Jr. Bruce Agard Jr confirmed had had recently moved his belongings from his father's house and move to Orlando. Bruce Agard Jr did not know who would have attacked his father.

On September 30, 2020 Bruce Agard was released from UMC hospital. Detectives Albright and Villagrana met in person with Bruce at his apartment. Bruce had located a crowbar under the kitchen table and notified Detective Albright. Bruce did not touch or tamper with the crowbar. The crowbar is shown in photographs taken when the crime scene was processed on September 28, 2020 but was missed by Detectives. Crime Scene Analyst A. Wapneksi PN17536 responded and recovered the crowbar. Bruce Agard provided a DNA sample that was collected via buccal swab. Bruce could not provide detectives with any further description of the suspect. Bruce did confirm the suspect did not take any of his property.

On October 7, 2020, the crowbar was submitted for evidentiary testing. On November 16, 2020 DNA testing results returned. There were four DNA contributors found on the crowbar and one of the contributors was Bruce Agard. Two portions of the mixture DNA

Exhibit 6A

1 Joseph N. Warren III

2 VS

3 State of Nevada

Case NO. 21-356232-7

Dept NO. 21

4 5 Motion to Represent Myself

6
7 Your Honor, My faith in the judicial system has been blown
8 Asunder. On August 5th 2021, I was AWAKENED AT 2:30^{AM}. AT
9 3:00^{AM} I was placed in a cement holding cage. A little bit
10 After 4:00^{AM} I was brought a sandwich and an apple for
11 breakfast. The meat of my sandwich was tinged with a
12 green color, so I just ate the apple. In the hour of 6:00^{AM}
13 I was placed in belly chains and my ankles were shackled.
14 It was about 4:00^{PM} when I came before you, Aching,
15 hungry, tired, shackled, weary of mind, along with a headache,
16 to a closed court room. As if it were a secret affair
17 to further hide the wrongness I was experiencing. To
18 listen to the lies of Dan Jenkins. You heard him say out
19 of his mouth that I beat someone with a crowbar....
20 And you want me to intrust my life to him?? The man was
21 prosecuting me right in front of you. Your Honor I don't know
22 Mr. Jenkins to not like him, and this was not an issue of
23 trial strategy. I was bringing to your attention, of a
24 prime and conspiracy that took place at my preliminary
25 hearing on May 24 2021. I showed you proof of who
26 committed perjury, I showed you proof of whom I
27 not in a faint. And you disregarded all of that I

Exhibit 6B

1 Front of you, that I told him at my Preliminary hearing
2 that, "that isn't regard, we need to talk." And in the midst
3 of all this... in nearly "3" three months of having this info-
4 mation... Mr Jenkins Non-Action on my behalf is Apparent.
5 Granted, I'm not a decorated scholar of Law... but when
6 the opposition presents a false victim and commits perjury
7 at a Preliminary Hearing... the structure is broken and
8 there should be no trial... Surely I'm being made to be
9 a victim of a modern day Lynching.

10 Your Honor... I invoke my right to defend myself.

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Respectfully Submitted
Joseph N. Warren III
P.O. Box: 650
Indian Springs, NV
89070

Exhibit 6C

Electronically Filed
8/18/2021 1:05 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR NO. 5674
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorneys for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

v.

JOSPEH NAPOLEON WARREN,

Defendant,

CASE NO. C-21-356232-1

DEPT. NO. XXI

DATE: August 24, 2021
TIME: 1:30 p.m.

DEFENDANT'S MOTION TO DISMISS COUNSEL

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff

YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office requests that the above entitled matter be placed on calendar on the August 24, 2021, at 1:30 p.m. in District Court Department No. XXI, for the purpose of the attached motion dismissing counsel.

DATED this 18th day of August, 2021.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Daniel R. Jenkins
DANIEL R. JENKINS, #10375
Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and forgoing MOTION was served via electronic e-filing to the Clark County District Attorney's Office at motions@clarkcountynyda.com on this 18th day of August, 2021.

By: /s/Kristina A Byrd
An employee of the
Clark County Public Defender's Office

Exhibit 60

Joseph N Warren III

VS

State of Nevada

Case NO. 21-356232-1

Dept NO 21

Motion to Represent Myself

Your Honor, My Faith in the Judicial system has been blown ASUNDER. ON August 5th 2021 I Was Awakened AT 2:30 AM. AT 3:00 AM I Was placed in a cement holding cage. A little bit After 4:00 AM I Was brought A sandwich AND AN Apple for breakfast. The meat of my sandwich Was tinged With a green color, so I just Ate the Apple. IN the hour of 6:00 AM I Was placed in belly chains AND my Ankles Were shackled.

It Was About 400 PM When I came before you, Aching, hungry, tired, shackled, weary of mind, Along With a headache to A closed court room... AS if it Were a secret Affair, to Further hide the Wrongness I Was experiencing. To listen to the lies of DAN Jenkins. You heard him say out of his mouth that I beat someone With a crowbar ... AND you Want me to intrust my life to him?? The man Was prosecuting me right in front you, Your Honor I don't know Mr. Jenkins to not like him, AND this Was not AN issue of trial strategy. I Was bringing to your Attention, of A crime AND conspiracy that took place at my preliminary hearing on May 24, 2021. I showed you proof of Who committed perjury, I showed you proof of Whom I Actually fought, AND you disregarded

Exhibit ~~2222~~
6E ~~2222~~

1 All of What I said. Even When Dan Jenkins admitted
2 in front you, that I told him at my preliminary hearing
3 that, "That isn't Agard, We need to talk." And in the
4 midst of all this... in nearly "3" three months of having
5 this information... Mr Jenkins Non-Action on my behalf
6 is apparent. Granted, I'm Not A decorated scholar
7 of Law... but When the opposition presents a false
8 victim and commits perjury at a preliminary hearing
9 ... the structure is broken and there should be no
10 trial... Surely I'm being made to be a victim of
11 A Modern day Lynching.

12 Your Honor... I invoke my right to defend myself.
13
14

15 Respectfully Submitted
16 Joseph N. Warren III
17 P.O. Box: 650
18 Indian Springs, NV
19 89070
20
21
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27
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Exhibit 7A

RJC COURTROOM 16C
REGIONAL JUSTICE CENTER
200 LEWIS AVE
LAS VEGAS, NV 89101

State of Nevada

C-21-356232-1

Plaintiff

-vs-

Joseph N. Warren III

Defendant

AFFIDAVIT

I, Debra Mason, of Las Vegas, in Clark, Nevada, MAKE OATH AND SAY THAT:

1. I Debra Mason do state that on May 26, 2021. I had a phone conversation with Daniel Jenkins regarding Joseph Warren's case. I sent Mr. Jenkins a message From my phone explaining that Mr. Warren had expressed to me that the person Who showed up and testified in court on May 24, 2021 was not the person who? That was accusing him of this crime. I attached pictures of Bruce Agard Sr. And Bruce Agard Jr. Mr. Jenkins called me back and we discussed Mr. Warren's case He stated that it is hard to defend someone that has confessed to the police And I don't see a win in this and said that he should take the plea deal he briefly

Explained to me what that consisted of. This conversation was had without Mr. Warren's permission. Mr. Jenkins and I had several conversations from May 26, 2010 to our last conversation on July 02, 2021. Mr. Jenkins called me on 07/02/21 and asked if I had spoken to Mr. Warren. I told him I had and he was suppose to call me back if he could. Mr. Jenkins went on to ask me if Mr. Warren Had intended on accepting the plea deal so he could send the paperwork to him To get things started. Mr. Warren had a court date scheduled for 07/06/2021 Mr. Jenkins said he would be out of town for the holiday weekend and he was Not sure if he would make it back by the court date. He wanted Mr. Warren to try To set up a phone schedule with the prison guard so he could call Mr. Jenkins on July 12, 2021 between 2 and 4pm. Because due to the covid restrictions being lifted he Would have to go to the prison in order to talk with Mr. Warren because they could not Arrange phone call to the inmates anymore.

Exhibit 7C

STATE OF NEVADA

COUNTY OF CLARK

SUBSCRIBED AND SWORN TO BEFORE ME,
on the 19th day of August, 2021

Signature Jackie Plover
(Seal)

NOTARY PUBLIC

My Commission expires:

APRIL 19, 2025

Debra Mason
(Signature)

Debra Mason

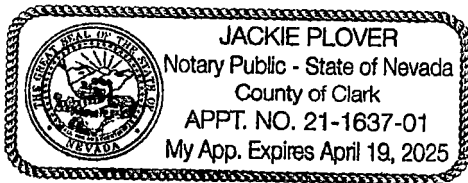
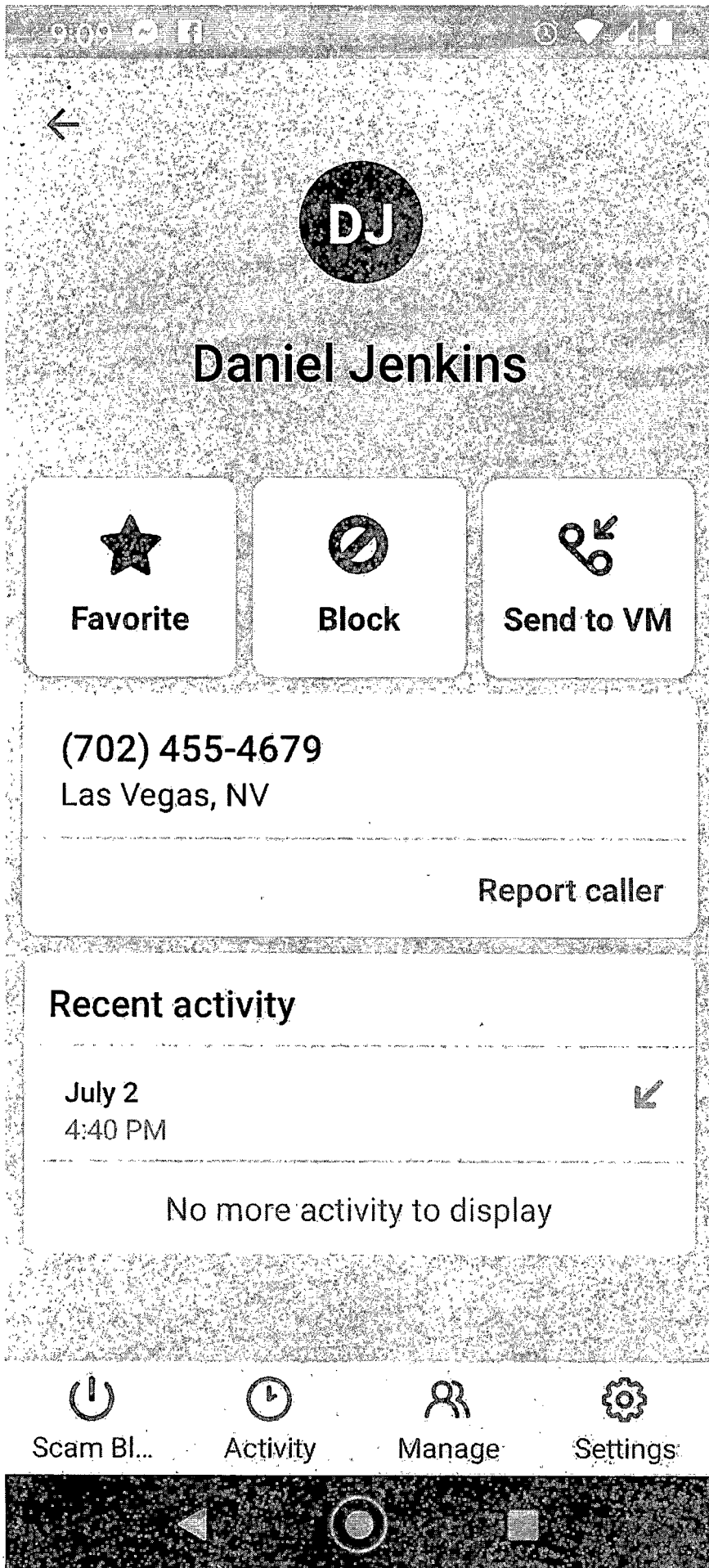


Exhibit #
7-D



Exhibit#
7E

12:51

Daniel Jenkins

May 26, 6:12 AM

Conversation with Daniel Jenkins



Hello Mr Jenkins. My new is Debra Mason. I am Joseph Warren france. He explained to me yesterday that the gentleman that showed up in court was not the guy that accused him of the altercation. So I am sending you these pictures of the person and his son who has the same name. Please let Joseph know I sent you the pictures. Would you please ask him to give you permission to talk to me about his case. Thank you.



Send message

All incoming calls

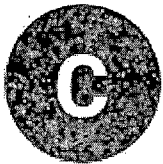


Mikey

(725) 236-9048

*Incoming
calls*

Exhibit #
Jul 3



Caron

(702) 884-4795



Jul 2

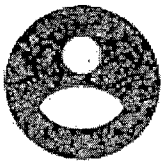


Daniel Jenkins

(702) 455-4679



Jul 2

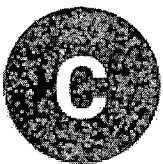


Securus Tech

Prison/Jail



Jul 2



Caron

(702) 884-4795



Jul 2



Paul

(702) 503-1297



Jul 2

* ARREST DATE: 3/25/2024 * ARREST TIME:

*EVENT #: 1LV210309117707

*CO-DEF: NO

☐ COURTESY HOLD ☐ DETAINER

FIRST

JOSEPH	DATE OF BIRTH
NABOUE	

89081	LAS VEGAS
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* ALIEN REGISTRATION #

USA	<input type="checkbox"/>
ITE ZIP)	<input type="checkbox"/>

VEGAS, NEVADA 89110	<input checked="" type="checkbox"/> SPEAKER
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*ORD / NRS	*BAIL	*EV
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PRANT RM - REMAND GJI - GRAND JURY INDICTMENT

1000000

G2
SECTOR/BEAT

OF ARREST

NEAC
AREA CMD

AREA CHIEF
OF ARREST

☐ COURT, JUSTICE

☐ DEPARTMENT, JUSTICE

☐ MUNICIPAL ☐ JUVENILE

☐ STD BAIL ☐ O.R. REL

PC 1A

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JUDGE:



122

PI LI SCORE: 9999 9999

0747

CERTIFICATE OF SERVICE

I, Joseph Napoleon Warren/III, hereby certify that I am the petitioner in this matter and I am representing myself in propria persona.

On this 3rd day of February, 2022, I served copies of the Notice of Appeal From Wrongful Conviction/Guilty Plea Arrangement

in case number: 21-356232-1 and placed said motion(s) in U.S. First Class Mail, postage pre-paid:

Address: Supreme Court of Nevada, 201 S. Carson Street, Suite 201, Carson City, Nevada 89701

Sent to: Office of the Clerk

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is/the petitioner in the above-entitled action, and he, the defendant has read the above CERTIFICATE OF SERVICE and that the information contained therein is true and correct. 28 U.S.C. §1746, 18 U.S.C. §1621.

Executed at High Desert State Prison on this 3rd day of February, 2022.

Joseph Napoleon Warren/III #30729
DOP#

PETITIONER -- In Proper Person

31 2
1 APPL

2 Joseph N. Warren III
NAME

3 P.O. Box 1650
ADDRESS

4 Indian Springs, Nevada 89070
CITY, STATE, ZIP CODE

5
6 TELEPHONE

7 IN PROPER PERSON

8
9 CLARK DISTRICT COURT

10 COUNTY, NEVADA

11 State of Nevada

12 Plaintiff,

13 vs.

14 Joseph N. Warren III

15 Defendant

Case No.: _____

Dept. No.: _____

16
17 **APPLICATION TO PROCEED INFORMA PAUPERIS**

18 (Filing Fees/Service Only)

19 Pursuant to NRS 12.015, and based on the following Affidavit, I request
20 permission from this Court to proceed without paying court costs or other costs and fees
21 as provided in NRS 12.015, because I lack sufficient financial ability.
22
23
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AFFIDAVIT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Joseph N. Warren, after being duly sworn, depose and state as follows:

I wish to file with this Court the pleading submitted with this Application. I cannot pay the filing fees and costs of this action because I lack sufficient income, assets, or other resources. Including myself, there are 0 adults and 0 children age(s) _____ in my household.

My total monthly income is:

From all sources including employment, self-employment, social security, child support, etc
Any other household income from another member of the household is

\$ 0
\$ 0

My employer is None located at _____, my job title is _____

The following represents a list of all of my assets and their value:

Automobile	Value	Loan Balance
<u>None</u>	\$ <u>0</u>	\$ <u>0</u>
YEAR, MAKE, AND MODEL		
Mobile Home, House or Other Real Estate		
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
SIZE, TYPE, AND YEAR		
Bank Accounts	Value	Loan Balance
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
NAME OF BANK AND TYPE OF ACCOUNT		
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
NAME OF BANK AND TYPE OF ACCOUNT		
Other		
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
DESCRIPTION		

1 _____ \$ 0
2 _____ \$ 0

3 The following represents my total monthly expenses:

4	Rent or Mortgage	\$ <u>0</u>
5	Phone, Gas, Electricity, and Other Utilities	\$ <u>0</u>
6	Food	\$ <u>0</u>
7	Child Care	\$ <u>0</u>
8	Insurance	\$ <u>0</u>
9	Medical	\$ <u>0</u>
10	Transportation	\$ <u>0</u>
11	Other: Auto Insurance	\$ <u>0</u>
12	None	\$ _____
13	TOTAL MONTHLY EXPENSES	\$ <u>0</u>

15 I request the Court hold a hearing on this Application if the Court is inclined to deny
16 same, so that I may testify as to my indigent status. I declare under penalty of perjury
17 that the foregoing is true and correct.

18 DATED this 3 day of February, 2022.

19
20 Joseph N. Warren III
21 (Signature)
22
23
24
25
26
27
28

1 APPL

2 NAME

3 ADDRESS

4 CITY, STATE, ZIP CODE

5 TELEPHONE

6 IN PROPER PERSON

7 CLARK DISTRICT COURT

8 COUNTY, NEVADA

9 STATE of Nevada

10 Plaintiff,

11 vs.

12 Case No.: _____

13 Dept. No.: _____

14 Defendant

15 **ORDER TO PROCEED IN FORMA PAUPERIS**

16 (Filing Fees/Service Only)

17 Upon consideration of _____'s Application to Proceed in Forma
18 Pauperis and it appearing that there is not sufficient income, property, or resources with
19 which to maintain the action and good cause appearing therefore:

20 **IT IS HEREBY ORDERED,**

21 1. That _____, shall be permitted to proceed in
22 Forma Pauperis with this action as permitted by NRS 12.015.

23 2. That _____ shall proceed without the prepayment costs or
24 fees or the necessity of giving security, and the Clerk of the Court may file or issue any
25 necessary writ, pleading or paper without charge.

26 3. That the Sheriff or other appropriate officer within this State shall make
27 personal service of any necessary writ, pleading or paper without charge.
28

4. That if the _____, _____, prevails in this action, the Court shall enter an Order pursuant to NRS 12.015 requiring the opposing party to pay into the court, within five (5) days, the costs which would have been incurred by the prevailing party, and those costs must then be paid as provided by law.

IT IS HEREBY ORDERD that _____'s request to waive fees and costs is **DENIED** for the following reason:

A. _____ The Party is not indigent.

B. _____ Other:

DATED this _____ day of _____, 20____.

DISTRICT COURT JUDGE

Respectfully submitted by:

Signature

PRINT NAME

ADDRESS

CITY, STATE, ZIP CODE

TELEPHONE

IN PROPER PERSON

CERTIFICATE OF SERVICE BY MAILING

I, Joseph Napoleon Warren III hereby certify, pursuant to NRCP 5(b), that on this 3rd
day of February, 2022, I mailed a true and correct copy of the foregoing, "Application
to Proceed In Forma Pauperis"
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

SUPREME Court
of Nevada
201 S. Carson Street, Suite 201
Carson City, Nevada, 89701

CC: FILE

DATED: this 3rd day of February, 2022.

Joseph Napoleon Warren III
JOSEPH NAPOLEON WARREN # 30127
/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 Notice of Appeal

From Wrongful Conviction / Guilty Plea Arrangement
(Title of Document)

filed in District Court Case number 21-356232-1

☒ 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.

Joseph N. Warren III
Signature

2-3-22
Date

Joseph Napoleon Warren III
Print Name

Notice of Appeal From Wrongful Conviction / Plea Arrangement
Title

RECEIVED

NOV 02 2021

HIGH DESERT STATE PRISON

LAW LIBRARY

1 CASE NO. 21-356232-1
2 DEPT NO. _____

8 IN THE MATTER OF
9 Joseph N. Jarrovi III #0030727
10 Name

STATE FINANCIAL CERTIFICATE

11 ON MOTION FOR LEAVE TO PROCEED
12 IN FORMA PAUPERIS

13 I, hereby certify that the Petitioner named herein above has the sum of \$ 4.55 on account
14 to his credit at the facility where he is confined. I further certify that the Petitioner likewise has the
15 following securities to his credit according to the records of said facility:

16 Savings has a balance of \$ 76.76

19 DATED: this 20 day of December, 20 21

G. M. Laughter AA3-1585

NEVADA DEPARTMENT OF CORRECTIONS
INMATE SERVICES ACCOUNTANT OR
AUTHORIZED OFFICER IF FACILITY

PLEASE EXECUTE A FINANCIAL CERTIFICATE FOR:

Inmate Name: _____

NDOC#: _____

Housing: _____

Date: _____

Inmate Signature

To receive Financial Certificate from
Inmate Banking, choose ONE below

- ☐ Please schedule me to pick up in Law Library
☐ Please mail to me

1 Joseph Napoleon Warren III # 30727
2 P.O. Box 650
3 Indian Springs, NV

4 Petitioner In Pro Se

8 Joseph Napoleon Warren III,)
9)
10) Petitioner,,)
11)
12) -vs-)
13) STATE OF Nevada)
14) Respondents.)

Case No. _____

MOTION FOR
AFFOINTMENT OF COUNSEL

15 COMES NOW Petitioner, Joseph Napoleon Warren III, in pro se, and moves
16 this Court for an order appointing him counsel in and for the instant § 2254
17 habeas corpus proceeding.

18 This motion is made and based upon 18 U.S.C. § 3006A(g), 28 U.S.C.
19 § 1915(e)(1), 28 U.S.C. § 2254(h); all papers, pleadings and documents on file
20 herein; and the following points and authorities.

POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

23 Petitioner is unable to afford counsel. See Application to Proceed In
24 Forma Pauperis on file herein.

25 The substantive issues and procedural matters in this case are too complex
26 for Petitioner's comprehension and abilities.

27 Petitioner, by reason of his incarceration, cannot investigate, take
28 depositions, or otherwise discover evidentiary materials on his own accord.

Petitioner's sentence structure is Life With Possibility.

There ___ are ___ are not additional facts attached hereto on additional page(s) to be incorporated herein.

Counsel could not only assist Petitioner with a much better presentation of the substantive and procedural issues before this Court, e.g., merits of the claims, AEDPA's § 2254(d) test, exhaustion, etc., but counsel would likewise make much easier this Court's task of discerning the issues and adjudicating them as upon a competent counsel's ability to present same to the Court.

The ends of justice would best be served in this case via the appointment of counsel, as Petitioner's sentence structure, in conjunction with the complexities of the legal issues herein, plead for such an appointment.

II. ARGUMENT FOR APPOINTMENT

Appointment of counsel in § 2254 cases is authorized within 18 U.S.C. § 3006A(g) and 28 U.S.C. §§ 1915(e)(1); 2254(h). This Court may appoint counsel where the "interests of justice" so require. Jeffers v. Lewis, 68 F.3d 295, 297-98 (9th Cir. 1995). This interest is best served when indigent petitioners who are unable to "adequately present their cases" are appointed counsel to do so for them. Id.

Although appointment is usually within this Court's sound discretion, a handy formula for this Court's consideration is a balancing of the complexities of the issues with a consideration of the severity of the petitioner's penalty. Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir.), cert. denied, 481 U.S. 1023 (1987). Ultimately, however, absent a due process implication, this Court has discretion to appoint counsel when it feels that it promotes justice in doing so. Id. See Brown v. United States, 623 F.2d 54, 61 (9th Cir. 1980)(court must appoint counsel where the complexities of the case are such that denial of counsel would amount to denial of due process); Hawkins v. Bennett, 423 F.2d 948 (8th Cir. 1970)(counsel must be appointed where petitioner is a person of

1 such limited education as to be incapable of presenting his claims fairly).

2 Petitioner submits that the facts above, in conjunction with these legal
3 principles, compel appointment of counsel. Indeed, the complexities of the
4 issues in relation to Petitioner's sentence, implicate the need of counsel to
5 promote not only justice, but fairness, as well. Jeffers, 68 F.3d at 297-98.

6 **III. CONCLUSION**

7 For the reasons set forth above, this Court should appoint counsel to
8 represent Petitioner in and for all further proceedings in this § 2254 habeas
9 corpus action.

10 Dated this 3rd day of February, 2002.

11 Respectfully submitted,

12 Joseph N. Warren III #30727
13
14

15 Petitioner In Pro Se
16
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CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the
foregoing Motion For Appointment of Counsel
to the below address(es) on this 3rd day of February,
2002, by placing same into the hands of prison staff for
posting in the U.S. Mail, pursuant to FRCP 5(b):

Supreme Court of Nevada
201 S. Carson Street, Suite 201
Carson City, Nevada 89701

Counsel for _____

() check for additional addresses below

_____ #

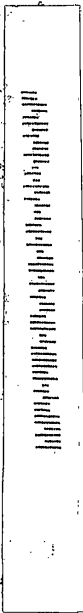
_____ In Pro Se

ADDRESS(ES) Continued from Above: (If applicable)

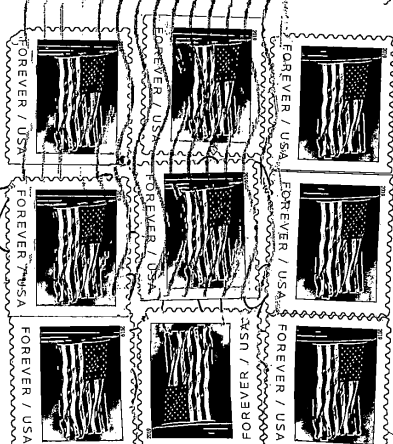
_____, Nevada 89____

_____, Nevada 89____

Joseph N. Lawrence III #30727
P.O. Box 650
Zachary Springs, NV
89070

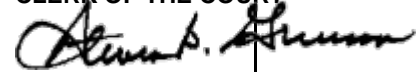


Las Vegas P&DC 89199
WED 09 FEB 2022 PM



1494

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



1 ASTA
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5

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

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 JOSEPH NAPOLEON WARREN, III,

14 Defendant(s),
15

Case No: C-21-356232-1

Dept No: XXI

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Joseph N. Warren, III

20 2. Judge: Tara Clark Newberry

21 3. Appellant(s): Joseph N. Warren, III

22 Counsel:

23 Joseph N. Warren, III #30727
24 P.O. Box 650
Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 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: May 24, 2021

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

Type of Judgment or Order Being Appealed: Judgment of Conviction

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

Dated This 24 day of February 2022.

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: Joseph N. Warren, III

CASE SUMMARY**CASE NO. C-21-356232-1**

State of Nevada
vs
Joseph Warren, III

§ Location: **Department 21**
§ Judicial Officer: **Clark Newberry, Tara**
§ Filed on: **05/24/2021**
§ Cross-Reference Case Number: **C356232**
§ Defendant's Scope ID #: **0982861**
§ Lower Court Case Number: **21-CR-015138**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. ATTEMPT BATTERY WITH SUBSTANTIAL BODILY HARM <i>Filed As:</i> RESIDENTIAL BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON Arrest: 03/28/2021	200.481.2b	G	09/28/2020	Case Status:	09/20/2021 Closed
2. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM, VICTIM 60 YEARS OF AGE OR	200.481.2e2	F	09/28/2020		
3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON, VICTIM 60 YEARS OF AGE OR OLDER	200.010	F	09/28/2020		
4. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON, VICTIM 60 YEARS OF AGE OR OLDER	200.38	F	09/28/2020		

Statistical Closures

09/20/2021 Guilty Plea with Sentence (before trial) (CR)


DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number C-21-356232-1
Court Department 21
Date Assigned 05/24/2021
Judicial Officer Clark Newberry, Tara


PARTY INFORMATION

Defendant	Warren, Joseph Napoleon, III	Lead Attorneys
		Public Defender <i>Public Defender</i> 702-455-4685(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

05/24/2021  Criminal Bindover - Confidential
[1]















In
#1

05/24/2021  Criminal Bindover
[2]

In
#2

CASE SUMMARY


CASE NO. C-21-356232-1

05/25/2021	 Information <i>[3] Information</i>	In #2
06/07/2021	 Transcript of Proceedings <i>[4] Reporter's Transcript of Preliminary Hearing</i>	In #4
06/14/2021	 Notice of Witnesses and/or Expert Witnesses <i>[5] State's Notice of Witnesses and/or Expert Witnesses</i>	In #5
07/07/2021	 Motion to Dismiss Counsel Party: Defendant Warren, Joseph Napoleon, III <i>[6]</i>	In #6
07/21/2021	 Motion to Dismiss Counsel Party: Defendant Warren, Joseph Napoleon, III <i>[7]</i>	In #7
07/26/2021	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>[8] State's First Supplemental Notice of Expert Witnesses</i>	In #8
07/26/2021	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>[9] State's Second Supplemental Notice of Witnesses</i>	In #9
07/28/2021	 Order <i>[10] Order Releasing Certified Medical Records and Authorization for Related Witness Testimony</i>	In #1
07/28/2021	 Supplement Filed by: Defendant Warren, Joseph Napoleon, III <i>[11] Second Supplement to Motion to Dismiss Counsel</i>	In #1
08/09/2021	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>[12] State's Third Supplemental Notice of Expert Witnesses</i>	In #1
08/09/2021	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>[13] State's Fourth Supplemental Notice of Witnesses</i>	In #1
08/18/2021	 Motion to Dismiss Counsel Party: Defendant Warren, Joseph Napoleon, III <i>[14] Defendant's Motion to Dismiss Counsel</i>	In #1
08/18/2021	 Clerk's Notice of Hearing <i>[15] Notice of Hearing</i>	In #1
08/23/2021	 Notice of Witnesses and/or Expert Witnesses	In #1

CASE SUMMARY

CASE NO. C-21-356232-1

Filed By: Plaintiff State of Nevada
[16] State's Fifth Supplemental Notice of Witnesses and/or Expert Witnesses [NRS 174.234(1)(a)]

08/26/2021  Guilty Plea Agreement In #1
Party: Defendant Warren, Joseph Napoleon, III
[17] Guilty Plea Agreement

08/26/2021  Amended Information In #1
Filed By: Plaintiff State of Nevada
[18] Amended Information

09/20/2021  Judgment of Conviction In #1
[19] JUDGMENT OF CONVICTION

02/11/2022  Notice of Appeal (Criminal) In #2
[20] Notice of Appeal from Wrongful Conviction/Guilty Plea Arrangement

02/24/2022  Case Appeal Statement In #2
Case Appeal Statement

DISPOSITIONS

08/26/2021 **Disposition** (Judicial Officer: Clark Newberry, Tara)
2. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM, VICTIM 60 YEARS OF AGE OR
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON, VICTIM 60 YEARS OF AGE OR OLDER
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

4. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON, VICTIM 60 YEARS OF AGE OR OLDER
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

08/26/2021 **Plea** (Judicial Officer: Clark Newberry, Tara)
1. ATTEMPT BATTERY WITH SUBSTANTIAL BODILY HARM
Guilty
PCN: Sequence:

08/26/2021 **Disposition** (Judicial Officer: Clark Newberry, Tara)
1. ATTEMPT BATTERY WITH SUBSTANTIAL BODILY HARM
Guilty
PCN: Sequence:

08/26/2021 **Adult Adjudication** (Judicial Officer: Clark Newberry, Tara)
1. ATTEMPT BATTERY WITH SUBSTANTIAL BODILY HARM
09/28/2020 (G) 200.481.2b (DC50244)
PCN: Sequence:

Comment (08/26/21 - ADJUDGED DEFT. GUILTY as pled, a gross-misdemeanor, and ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA Collection fee, Deft. SENTENCED to credit for time served.)
Fee Totals:

CASE SUMMARY**CASE NO. C-21-356232-1**

Administrative Assessment Fee	25.00
\$25	
DNA Analysis Fee	150.00
\$150	
Genetic Marker Analysis AA Fee	3.00
\$3	
Fee Totals \$	178.00

HEARINGS

05/26/2021

**Initial Arraignment (8:00 AM)** (Judicial Officer: Leavitt, Michelle)

Plea Entered;

Journal Entry Details:

Deputized Law Clerk, Joshua Judd, also present on behalf of the State. Lynn Avants, also present on behalf of the Public Defender's Office for the Defendant. Colloquy regarding the charges that were bound up to District Court. State noted the original counts 2 through 5 were bound up; therefore, the 4 counts on calendar are correct. DEFT. WARREN ARRAIGNED. Defendant stated he did not discuss this matter with his lawyer and would like an opportunity to speak with his lawyers as there is vital information that he needs to convey. Defendant state he is NOT GUILTY. Court stated this matter can be continued for the Defendant to speak with his attorney. Mr. Jenkins advised the Defendant to enter a not guilty plea today. Defendant stated they can move forward. DEFT. WARREN PLED NOT GUILTY and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. Upon Court's inquiry, Defendant stated he is in High Desert and confirmed he would like to speak with his attorney right away. Court directed counsel to convey the Defendant's representations to his attorney. CUSTODY 06/15/2021 1:30PM CALENDAR CALL (DEPT 21) 06/21/2021 9:00AM JURY TRIAL (DEPT 21) ;

06/15/2021

**Calendar Call (1:30 PM)** (Judicial Officer: Bonaventure, Joseph T.)**MINUTES**

Matter Heard;

Journal Entry Details:

Mr. Van Luven requested matter be trailed for the handing attorney. Mr. Palal noted Mr. Jenkins was assigned to this case and needed to continue trial; further noted the State had no objection. Objection by Defendant. Upon Court's inquiry, Mr. Palal noted Deft. was invoked and suggested they wait for Mr. Jenkins. MATTER TRAILED. MATTER RECALLED. Mr. Jenkins now present. Mr. Jenkins stated defense was not ready, noted Deft. may want to file a motion to withdraw counsel and indicated he had discussed possible negotiations with the State. Therefore, requested the trial be vacated and a status check be set in three weeks to discuss with Deft. whether he wants to file a motion to withdraw counsel and discuss negotiations. COURT ORDERED trial date VACATED and matter SET for status check on negotiations/ trial setting. CUSTODY (NDC) 07-06-2021 01:30 PM STATUS CHECK: NEGOTIATIONS/TRIAL SETTING ;

SCHEDULED HEARINGS**Status Check: Negotiations/Trial Setting (07/06/2021 at 1:30 PM)** (Judicial Officer: Clark Newberry, Tara)
07/06/2021, 07/13/2021

06/21/2021

CANCELED Jury Trial (9:00 AM) (Judicial Officer: Clark Newberry, Tara)
Vacated

07/06/2021

**Status Check: Negotiations/Trial Setting (1:30 PM)** (Judicial Officer: Clark Newberry, Tara)**07/06/2021, 07/13/2021****MINUTES**

Matter Continued;





Trial Date Set;

Journal Entry Details:

Court noted matter was on for status check on negotiations and trial setting, however, indicated it had received a Motion to Dismiss Counsel which was set to be heard on August 5, 2021. Mr. Jenkins stated he received the motion and noted it needed to be addressed. Further, Mr. Jenkins Advised there had been an offer of negotiation from the State but the Deft. had not accepted that offer. Court indicated a trial date needed to be set. Statement by Deft. Mr. Jenkins interjected and advised the Deft. not to give a statement. Court Advised Deft. to speak to his counsel before addressing the Court. COURT ORDERED matter SET for trial. NDC 08-24-2021 01:30 PM CALENDAR CALL 08-30-2021 09:00 AM JURY TRIAL ;

CASE SUMMARY

CASE NO. C-21-356232-1

	<p>Matter Continued; Trial Date Set; Journal Entry Details: <i>Upon Ms. St. Clair's inquiry, Deft. noted he didn't know the negotiations and requested to address the Judge. MATTER TRAILED for Ms. St. Clair to speak with Deft. MATTER RECALLED. Ms. St. Clair indicated Deft. was interested in obtaining new counsel, therefore, requested the matter be continued for Deft. to speak with Mr. Jenkins. Court Advised if Deft. was inclined to hire private counsel to make sure they know a trial date would be set at the next hearing and they should appear. COURT ORDERED matter CONTINUED. NDC CONTINUED TO: 07-13-2021 01:30 PM ;</i></p> <p>SCHEDULED HEARINGS Calendar Call (08/24/2021 at 1:30 PM) (Judicial Officer: Clark Newberry, Tara) CANCELED Jury Trial (08/30/2021 at 9:00 AM) (Judicial Officer: Clark Newberry, Tara) <i>Vacated</i></p>
08/05/2021	<p> Motion to Dismiss (1:30 PM) (Judicial Officer: Clark Newberry, Tara) <i>Motion to Dismiss Counsel</i> Denied; Motion to Dismiss Counsel</p>
08/12/2021	<p> Motion to Dismiss (1:30 PM) (Judicial Officer: Clark Newberry, Tara) <i>Motion to Dismiss Counsel</i> Off Calendar; Journal Entry Details: <i>Mr. Ramsey informed the matter had been heard a week ago and should be taken off calendar. Court concurred and ORDERED matter OFF CALENDAR as the Motion to Dismiss and the supplement had been previously decided. NDC;</i></p>
08/24/2021	<p>Calendar Call (1:30 PM) (Judicial Officer: Clark Newberry, Tara) <i>Vacated and Reset;</i></p>
08/24/2021	<p>Motion to Dismiss (1:30 PM) (Judicial Officer: Clark Newberry, Tara) 08/24/2021, 08/26/2021 <i>Defendant's Motion to Dismiss Counsel</i> Matter Continued; Withdrawn; Matter Continued; Withdrawn;</p>
08/24/2021	<p> All Pending Motions (1:30 PM) (Judicial Officer: Clark Newberry, Tara) Matter Heard; Journal Entry Details: <i>DEFENDANT'S MOTION TO DISMISS COUNSEL...CALENDAR CALL Upon Court's inquiry, Mr. Jenkins indicated the Deft. had made the request to represent himself and noted he had added a cover sheet on it as a Motion to Dismiss Counsel so it could be considered by the Court. Court noted it reviewed the submission. Ms. Wong had no position. Court Advised the matter would need to set for a hearing to determine the Deft s ability to represent himself. Ms. Wong mentioned the only problem was the matter was set for Calendar Call, therefore, the Central Calendar Call would need to be scheduled for tomorrow. Mr. Jenkins Advised the Deft. would like to file motions and needed to receive discovery from the State before going to trial which would necessitate vacating the trial to give him time to adequately prepare for trial. Mr. Jenkins requested the matter be possibly set for the next trial stack. Colloquy regarding trial settings. Upon Court s further inquiry, Deft. requested trial be reset and matter be set for determination of his ability to. represent himself, COURT SO ORDERED, trial dates VACATED and RESET; matter SET for hearing regarding dismissal of counsel and pro per status. Court clarified and ORDERED matter SET for Faretta Canvass Hearing. CUSTODY (NDC) 08-26-2021 01:30 PM FARETTA CANVAS 10-05-2021 01:30 PM CALENDAR CALL 10-11-2021 09:00 AM JURY TRIAL ;</i></p>
08/26/2021	<p>Faretta Canvass (1:30 PM) (Judicial Officer: Clark Newberry, Tara) <i>Off Calendar;</i></p>
08/26/2021	<p>Entry of Plea (1:30 PM) (Judicial Officer: Clark Newberry, Tara) <i>Defendant Sentenced;</i></p>
08/26/2021	<p> All Pending Motions (1:30 PM) (Judicial Officer: Clark Newberry, Tara) Matter Heard;</p>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-21-356232-1

Journal Entry Details:

FARETTA CANVASS...DEFENDANT'S MOTION TO DISMISS COUNSEL. Court noted a Guilty Plea Agreement had been filed. Upon Court's inquiry, Mr. Jones indicated he believed the Deft. wanted to withdraw his motion and enter his plea. Deft. concurred. COURT ORDERED Defendant's Motion to Dismiss Counsel WITHDRAWN and Faretta Canvass OFF CALENDAR. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED on August 26, 2021 and placed on the record by Mr. Jenkins. DEFT. WARREN ARRAIGNED and PLED GUILTY to ATTEMPT BATTERY WITH SUBSTANTIAL BODILY HARM (F-GM). Court ACCEPTED plea, WAIVED a Pre-Sentence Investigation (PSI) Report and Gross Misdemeanor Worksheet, ADJUDGED DEFT. GUILTY as pled, a gross-misdemeanor, and ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA Collection fee, Deft. SENTENCED to credit for time served. NIC;

08/30/2021 **CANCELED Jury Trial** (9:00 AM) (Judicial Officer: Clark Newberry, Tara)
Vacated

10/05/2021 **CANCELED Calendar Call** (1:30 PM) (Judicial Officer: Clark Newberry, Tara)
Vacated

10/11/2021 **CANCELED Jury Trial** (9:00 AM) (Judicial Officer: Clark Newberry, Tara)
Vacated

DATE

FINANCIAL INFORMATION

Defendant Warren, Joseph Napoleon, III

Total Charges

178.00

Total Payments and Credits

0.00

Balance Due as of 2/24/2022

178.00

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

7 THE STATE OF NEVADA,
8
9 Plaintiff,

-vs-

CASE NO: C-21-356232-1

10 JOSEPH NAPOLEON WARREN, III,
11 #982861

DEPT NO: XXI

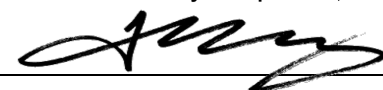
12 Defendant.

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

15 On the 26th day of August, 2021, the defendant appeared before the Court herein with
16 his counsel, DANIEL JENKINS, DEPUTY PUBLIC DEFENDER, and entered a plea of guilty
17 to the crime(s) of ATTEMPT BATTERY WITH SUBSTANTIAL BODILY HARM
18 (Category D Felony/Gross Misdemeanor), in violation of NRS 200.481, 193.330; thereupon,
19 WAIVED a Pre-Sentence Investigation (PSI) Report and Gross Misdemeanor Worksheet, to
20 the Court,

21 THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offense(s) *under the*
22 *Gross Misdemeanor statute* and, in addition to the \$25.00 Administrative Assessment Fee, a
23 \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA
24 Collection fee, the Defendant was sentenced to credit for time served.

25 Dated this 20th day of September, 2021

26 

27 21CR015138

28 269 44E BA0F 691E
Tara Clark Newberry
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 State of Nevada

CASE NO: C-21-356232-1

7 vs

DEPT. NO. Department 21

8 Joseph Warren, III
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Judgment of Conviction 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: 9/20/2021

15 DA .

Motions@ClarkCountyDA.com

16 Daniel Jenkins

jenkindr@clarkcountynv.gov

17 Kayleigh Lopatic

lopatikb@clarkcountynv.gov

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**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 26, 2021**

C-21-356232-1 State of Nevada
vs
Joseph Warren, III

May 26, 2021 8:00 AM Initial Arraignment

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Haly Pannullo
Sandra Matute

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT: Warren, Joseph Napoleon, III Defendant

JOURNAL ENTRIES

- Deputized Law Clerk, Joshua Judd, also present on behalf of the State. Lynn Avants, also present on behalf of the Public Defender's Office for the Defendant.

Colloquy regarding the charges that were bound up to District Court. State noted the original counts 2 through 5 were bound up; therefore, the 4 counts on calendar are correct. DEFT. WARREN ARRAIGNED. Defendant stated he did not discuss this matter with his lawyer and would like an opportunity to speak with his lawyers as there is vital information that he needs to convey. Defendant state he is NOT GUILTY. Court stated this matter can be continued for the Defendant to speak with his attorney. Mr. Jenkins advised the Defendant to enter a not guilty plea today. Defendant stated they can move forward. DEFT. WARREN PLED NOT GUILTY and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. Upon Court's inquiry, Defendant stated he is in High Desert and confirmed he would like to speak with his attorney right away. Court directed counsel to convey the Defendant's representations to his attorney.

CUSTODY

06/15/2021 1:30PM CALENDAR CALL (DEPT 21)

PRINT DATE: 02/24/2022

Page 1 of 12

Minutes Date: May 26, 2021

06/21/2021 9:00AM JURY TRIAL (DEPT 21)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 15, 2021

C-21-356232-1 State of Nevada
 vs
 Joseph Warren, III

June 15, 2021 1:30 PM Calendar Call

HEARD BY: Bonaventure, Joseph T. **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Carina Bracamontez-Munguia

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Jenkins, Daniel R.	Attorney
	Palal, Binu G.	Attorney
	State of Nevada	Plaintiff
	Van Luven, Michael L.	Attorney
	Warren, Joseph Napoleon, III	Defendant

JOURNAL ENTRIES

- Mr. Van Luven requested matter be trailed for the handing attorney. Mr. Palal noted Mr. Jenkins was assigned to this case and needed to continue trial; further noted the State had no objection. Objection by Defendant. Upon Court's inquiry, Mr. Palal noted Deft. was invoked and suggested they wait for Mr. Jenkins. MATTER TRAILED.

MATTER RECALLED. Mr. Jenkins now present. Mr. Jenkins stated defense was not ready, noted Deft. may want to file a motion to withdraw counsel and indicated he had discussed possible negotiations with the State. Therefore, requested the trial be vacated and a status check be set in three weeks to discuss with Deft. whether he wants to file a motion to withdraw counsel and discuss negotiations. COURT ORDERED trial date VACATED and matter SET for status check on negotiations/ trial setting.

CUSTODY (NDC)

07-06-2021 01:30 PM STATUS CHECK: NEGOTIATIONS/TRIAL SETTING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 06, 2021

C-21-356232-1 State of Nevada
vs
Joseph Warren, III

July 06, 2021

1:30 PM

**Status Check:
Negotiations/Trial Setting**

HEARD BY: Clark Newberry, Tara

COURTROOM: RJC Courtroom 16C

COURT CLERK: Carina Bracamontez-Munguia

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	St. Clair, Ashley M.	Attorney
	State of Nevada	Plaintiff
	Warren, Joseph Napoleon, III	Defendant
	Wyse, Seleste A	Attorney

JOURNAL ENTRIES

- Upon Ms. St. Clair's inquiry, Deft. noted he didn't know the negotiations and requested to address the Judge. MATTER TRAILED for Ms. St. Clair to speak with Deft.

MATTER RECALLED. Ms. St. Clair indicated Deft. was interested in obtaining new counsel, therefore, requested the matter be continued for Deft. to speak with Mr. Jenkins. Court Advised if Deft. was inclined to hire private counsel to make sure they know a trial date would be set at the next hearing and they should appear. COURT ORDERED matter CONTINUED.

NDC

CONTINUED TO: 07-13-2021 01:30 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 13, 2021

C-21-356232-1 State of Nevada
vs
Joseph Warren, III

**July 13, 2021 1:30 PM Status Check:
Negotiations/Trial Setting**

HEARD BY: Clark Newberry, Tara **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Carina Bracamontez-Munguia

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Jenkins, Daniel R.	Attorney
	State of Nevada	Plaintiff
	Warren, Joseph Napoleon, III	Defendant
	Wyse, Seleste A	Attorney

JOURNAL ENTRIES

- Court noted matter was on for status check on negotiations and trial setting, however, indicated it had received a Motion to Dismiss Counsel which was set to be heard on August 5, 2021. Mr. Jenkins stated he received the motion and noted it needed to be addressed. Further, Mr. Jenkins Advised there had been an offer of negotiation from the State but the Deft. had not accepted that offer. Court indicated a trial date needed to be set. Statement by Deft. Mr. Jenkins interjected and advised the Deft. not to give a statement. Court Advised Deft. to speak to his counsel before addressing the Court. COURT ORDERED matter SET for trial.

NDC

08-24-2021 01:30 PM CALENDAR CALL

08-30-2021 09:00 AM JURY TRIAL

THE SEALED PORTION
OF THESE MINUTES
WILL FOLLOW VIA
U.S. MAIL.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 12, 2021

C-21-356232-1 State of Nevada
 vs
 Joseph Warren, III

August 12, 2021 1:30 PM Motion to Dismiss

HEARD BY: Clark Newberry, Tara **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Carina Bracamontez-Munguia

RECORDER: Robin Page

REPORTER:

PARTIES

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

JOURNAL ENTRIES

- Mr. Ramsey informed the matter had been heard a week ago and should be taken off calendar. Court concurred and ORDERED matter OFF CALENDAR as the Motion to Dismiss and the supplement had been previously decided.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 24, 2021**

C-21-356232-1 State of Nevada
vs
Joseph Warren, III

August 24, 2021 1:30 PM All Pending Motions

HEARD BY: Clark Newberry, Tara **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Carina Bracamontez-Munguia

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Jenkins, Daniel R.	Attorney
	State of Nevada	Plaintiff
	Warren, Joseph Napoleon, III	Defendant
	Wong, Hetty O.	Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO DISMISS COUNSEL...CALENDAR CALL

Upon Court's inquiry, Mr. Jenkins indicated the Deft. had made the request to represent himself and noted he had added a cover sheet on it as a Motion to Dismiss Counsel so it could be considered by the Court. Court noted it reviewed the submission. Ms. Wong had no position. Court Advised the matter would need to set for a hearing to determine the Deft s ability to represent himself. Ms. Wong mentioned the only problem was the matter was set for Calendar Call, therefore, the Central Calendar Call would need to be scheduled for tomorrow. Mr. Jenkins Advised the Deft. would like to file motions and needed to receive discovery from the State before going to trial which would necessitate vacating the trial to give him time to adequately prepare for trial. Mr. Jenkins requested the matter be possibly set for the next trial stack. Colloquy regarding trial settings. Upon Court s further inquiry, Deft. requested trial be reset and matter be set for determination of his ability to. represent himself, COURT SO ORDERED, trial dates VACATED and RESET; matter SET for hearing regarding dismissal of counsel and pro per status. Court clarified and ORDERED matter SET for Faretta Canvass Hearing.

CUSTODY (NDC)

08-26-2021 01:30 PM FARETTA CANVAS

10-05-2021 01:30 PM CALENDAR CALL

10-11-2021 09:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 26, 2021**

C-21-356232-1 State of Nevada
vs
Joseph Warren, III

August 26, 2021 1:30 PM All Pending Motions

HEARD BY: Clark Newberry, Tara **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Carina Bracamontez-Munguia

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Jenkins, Daniel R.	Attorney
	State of Nevada	Plaintiff
	Warren, Joseph Napoleon, III	Defendant
	Wong, Hetty O.	Attorney

JOURNAL ENTRIES

- FARETTA CANVASS...DEFENDANT'S MOTION TO DISMISS COUNSEL

Court noted a Guilty Plea Agreement had been filed. Upon Court's inquiry, Mr. Jones indicated he believed the Deft. wanted to withdraw his motion and enter his plea. Deft. concurred. COURT ORDERED Defendant's Motion to Dismiss Counsel WITHDRAWN and Faretta Canvass OFF CALENDAR. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED on August 26, 2021 and placed on the record by Mr. Jenkins. DEFT. WARREN ARRAIGNED and PLED GUILTY to ATTEMPT BATTERY WITH SUBSTANTIAL BODILY HARM (F-GM). Court ACCEPTED plea, WAIVED a Pre-Sentence Investigation (PSI) Report and Gross Misdemeanor Worksheet, ADJUDGED DEFT. GUILTY as pled, a gross-misdemeanor, and ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA Collection fee, Deft. SENTENCED to credit for time served.

NIC

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL FROM WRONGFUL CONVICTION/GUILTY PLEA
ARRANGEMENT; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES;
JUDGMENT OF CONVICTION (PLEA OF GUILTY); DISTRICT COURT MINUTES

STATE OF NEVADA,

Plaintiff(s),

vs.

JOSEPH NAPOLEON WARREN, III,

Defendant(s).

Case No: C-21-356232-1

Dept No: XXI

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 24 day of February 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk