No. 84327

CR-18 12674

Supreme Court of Nevada

~~ELEVENTH JUDICIAL DISTRICT COURT IN AND FOR THE COUNTY OF~~

~~PERSHING~~

FILED

MAR 04 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

DONALD RAY LAMONT WANNER SR, Petitioner, vs. **PERSHING COUNTY DISTRICT ATTORNEY BRYCE SHIELDS, NEVADA ATTORNEY GENERAL AARON FORD, STATE OF NEVADA DEPARTMENT OF CORRECTIONS CHARLES DANIELS, STATE OF NEVADA PAROLE AND PROBATION OFFICER ELIZABETH HILL** Respondents,	Case No.: CR 18-~~12764~~- 12574 **EMERGENCY MOTION PETITION FOR WRIT OF POST CONVICTION HABEAS CORPUS AND REQUEST FOR AN EMERGENCY HEARING**

INTRODUCTION

Pursuant to 28 U.S.C Section 2254, comes now **DONALD RAY LAMONT WANNER SR (petitioner, I, MYSELF, MY, MINE)**, Pro Se, without counsel, a person who incarcerated, in-custody or restrained of his liberty, in the **NEVADA DEPARTMENT of CORRECTIONS 317 Residential Confinement Program**. I am currently housed at my residence located at 2525 Upper Valley Rd Lovelock Nevada 89419 with GPS ankle monitor provided by **Intercept Offender Monitoring,** located at 501 Casazza Dr Reno Nv 89502. I am supervised by **The State of Nevada Department of Parole and Probation Officer Elizabeth Hill.**

On July 15, 2020, in the **ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF PERSHING**, entered a conviction by way of a bench trial. I was

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22-06905

found guilty of **Possession of Stolen Vehicle Class B felony, Possession of Stolen Vehicle Class C felony and Conspiracy to Possess Stolen Vehicle Gross Misdemeanor.** I was sentenced to 24 to 72 months for the Class B, 12 to 24 months for the Class C and 12 months for the Gross Misdemeanor. Sentences ran concurrent in the Nevada Department of Corrections.

August 2020 an appeal was filed with the **SUPREME COURT OF THE STATE OF NEVADA** where, through court appointed counsel Miller Law, issues of judicial somnolence, illegal sentencing, judicial bias and lack of evidence to convict had been raised.

June 22, 2021, the **SUPREME COURT OF THE STATE OF NEVADA** AFFIRMED their interpretation of the Judgment of Conviction entered July 15, 2021.

Petitioners Court Appointed Counsel

1. Steve Cochran Pershing County Public Defender was first to be appointed to Case No.: CR 18-~~12764~~ 12674. After a conflict between myself and Mr. Cochran. Mr. Cochran was removed from this case. (Letter Attached EXHIBIT A)

2. Kyle Swanson, attorney from Winnemucca Nevada was then appointed to CR 18-~~12764~~ 12674. Mr. Swanson had to remove himself due to conflict with one of the state's witnesses.

3. John Oaks attorney from Reno Nevada was then appointed to Case No.: CR 18-~~12764~~ 12674 Mr. Oaks was removed after I submitted a letter to the court showing conflict.

4. Miller Law, Case Conflict Counsel from Winnemucca Nevada. Miller Law appointed Kale Brock to my case. Mr. Brock represented me at trial and was present at my first verdict hearing and sentencing. Mr. Brock become unavailable after the sentencing hearing, which resulted in Miller Law appointing, Jeffery Miller, to represent me during the appeal process.

CAUSE OF ACTION

I respectfully ask this honorable court to grant a **MOTION OF POST CONVICTION HABEAS CORPUS RELIEF** for the following Constitutional Rights violations.

(2) missing page number

present Neuter Case #'s that support instead of Amendment private case # — vs — and judges ruling

1) **Fifth Amendment Section 1 of the Constitution of the United States**. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

2) **Sixth Amendment of the Constitution of the United States of America**. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

3) **Fourteenth Amendment of the Constitution of the United States of America.**

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Argument

Beginning October 23, 2018, and running ~~through until August 8th 2022~~ currently my Fifth. Sixth and Fourteenth Amendment Rights ~~was~~ are being violated when I received a letter from my court appointed counsel Steve Cochran (**EXHIBIT A**). This letter shows the unwillingness of counsel to assist me in my case. Sixth Amendment guarantees ones right to effective counsel. This letter is nothing more than a conviction by my own counsel Mr. Cochran before examining evidence of discovery or any investigation.

On March 4, 2019, during my arraignment I was given a plea arrangement 10 mins before court. An agreement that I was not involved with and unaware of its contents. This plea offer I later learn was, I plead

GULTY to a CLASS B FELONY and the Deputy District Attorney Todd Banks drops the rest of the charges. My FIFTH, SIXTH and FOURTEETH AMENDMENT RIGHTs was violated when The State of Nevada's Deputy District Attorney Todd Banks offered to me, that if I AGREE to enter into the Eleventh Judicial District Court in and for the State of Nevada Pershing County, go on public record, under oath and commit PURJURY by saying I was GUILTY of Possessing a Stolen Vehicle, a Class B felony when I was not. If so, he would dismiss the rest of my charges. My SIXTH AMENDMENT, FIFTH AMENDMENT and FOURTEENTH AMENDMENT RIGHTs was violated when my court appointed counsel suggested I did this as well. And in doing so, these two public officials violated my FIFTH AMEDMENT RIGHT, SIXTH AMENDMENT RIGHT and FOURTEETH AMENDMENT RIGHT. By depriving me of life liberty or property without due process of law.

"Upon an agreement or understanding that his or her vote, opinion, judgment, action, decision or other official proceeding will be influenced thereby, or that the judicial officer will do or omit any act or proceeding or in any way neglect or violate any official duty." (NRS 199.020; NRS 193.130)

NRS 199.120 defines perjury as when a person takes an oath in a judicial or other proceeding where an oath is required, and that person either:

1. Willfully makes an unqualified statement that the person does not know to be true; or
2. Swears or affirms willfully and falsely in a matter material to the issue or point in question; or
3. Suborns, bribes or induces any other person to make an unqualified statement or to swear or affirm in such a manner; or
4. Executes an affidavit for a verification of a pleading which contains a false statement, or induces any other person to do so; or
5. Executes an affidavit or other instrument which contains a false statement before a person authorized to administer oaths or induces any other person to do so.
6. Under state law, making a statement that the person does not know to be true is just as perjurious as intentionally lying.

After a brief recess speaking with Mr. Cochran where I told him I would not commit perjury just so the court can move along. My liberties are being violated and I wanted his assistance that is guaranteed by my CONSTITUTION and the laws of THE STATE OF NEVADA. He disagreed with me in all aspects and again

suggested I get another lawyer. We reenter the court room when DDA Todd Banks and Mr. Cochran engage in an off the record conversation where Cochran informs DDA Banks that I refused to commit the felony (accept plea deal) these two counselors asked me to commit. As we return on public record, I was asked by His Honor if I was happy with Mr. Cochran. I replied, "We are working through some things". Then His Honor asked if I needed more time, which I replied "Yes". His Honor asks DDA Banks if the State had any objections. DDA Banks replied in clear sarcasm, something about "The Defendant NOT following the TRADITIONAL PATH of the Court thus far, so a continuance was ok to him".

mention the judge so minutes on record can be checked

( ) **Section 241 of Title 18** is the civil rights conspiracy statute. Section 241 makes it unlawful for two or more persons to agree together to injure, threaten, conspire against, or intimidate a person in any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution OR THE LAWS,

This led to a letter I had written to the District Court (**Exhibit B**) asking that Mr. Cochran be removed from my case. This letter shows I had informed the court of numerous concerns violating my CONSTITUTIONAL RIGHTS.

The court then appoints Kyle Swanson from Winnemucca Nevada. Mr. Swanson had to remove himself due to conflict. Mr. Swanson was representing Steven Salaz in a separate matter. Steven is a State witness in Case No.: CR 18-~~12764.~~ 12674

My Sixth Amendment Right was violated when I am then appointed John Oaks from Reno Nevada. I was given John Oaks contact info by the District Court during the hearing where Mr. Swanson addressed the court of his conflict. I called Mr. Oaks number directly after this hearing and left a voicemail. A few days later Mr. Oaks calls my cell phone, and it went bad. Specifically, when Mr. Oaks had contacted me late at night. We spoke a few moments. Then I had asked Mr. Oaks if he received my discovery. He replied, "Why would I have your discovery?" I replied, "Because you're my court appointed attorney isn't that your job?" Mr. Oaks then tells me, in a very negative response, "If you want your discovery, you can get it from the DA's office or District Court" I then replied, "So you want me to do your fucking job for you?" I was very polite and acted as a gentleman to Mr. Oaks up to the point where I was disrespected and felt Mr. Oaks was drunk and was not going to defend me period. He suggested I take the plea arrangement. Which was plead **GUILTY** to a **CLASS B FELONY** by committing another felony. Once again, another counselor appointed by the court asking or suggesting to me that I commit

PURGURY violating my FIFTH, SIXTH AND FOURTEETH AMENDMENT RIGHTS. I prepared a letter to the District Court and the letter was hand delivered. I unfortunately lost access to this letter while I was in Carson City Nevada at N.D.O.C., however, the District Court has a copy. This is the conversation to the best of my recollection The following hearing, Mr. Oaks was removed.

Finally, Case Conflict Counsel Miller Law is appointed., Miller Law appoints Kale Brock to my case. I meet with Mr. Brock and discuss my case. I mention all my concerns. My first request that was denied by counsel, was my request for a **CHANGE** of **VENUE**. I requested this to Mr. Cochran who told me, "No I will not ask the judge to recuse himself. If he feels he needs to then he will on his own". Mentioned this to Mr. Swanson, no help as he had conflict. I then mention this to Mr. Brock. Mr. Brock stated we was too far into the proceedings to request this. And he asked why I didn't raise this with Mr. Cochran. I explained it to Mr. Brock that I did and gave Mr. Brock the response I was given. Whether or not the Judge approves or denied my request wasn't my mission. The opportunity for my concerns to be heard on this issue was.

Now this request come due to my involvement in the 2014 Eleventh Judicial Elections where I worked closely with one opponent who was in the running for 11th Judicial District Court Judge. Adding the fact that my sister-in-law worked for Judge Shirley while Judge Shirley was the Pershing County District Attorney. I had also coached Judge Shirley's children in sports, and I know there is quite a few unhappy sports parents out there. DDA Banks responds for the court in regard to this concern in my first Habeas Corpus which I vacated. Stating the Judge has no issues with his opponent Mr. Plimpton. The question is not whether Judge Shirley had or has issues with Mr. Plimpton. Mr. Plimpton was not on Trial. The question was, "Would I receive a fair trial under these circumstances, and the answer was and still is a profound NO. With the evidence I had in my defense and what we thought to be obvious lacking for the State, Mr. Brock was confident. I was presented with the defensive strategy which seemed simple. Sit back and let the STATE loose the case themselves. I didn't agree with this strategy and needed more data. So, I ask for Mr. Brock to file a **DEMAND FOR WRITTEN BILL OF PARTICULARS.** I was told we couldn't because there was a time frame and it needed to be filed before receiving the **DISCOVERY.** Unaware this was false information at the time, I take counsels advice and we move forward. I later realize this was information was not true and the reason was misleading. Many other issues I raised to my counsel I needed addressed returned similar responses. This was not what the normal individual would view as effectiveness by a attorney in a criminal defense. I believed in my counsel, and only asked that my counsel assists

me in filing the proper motions, guide me through the proper court room procedures so that my defense is presented lawfully, professionally, and most of all, accurately. I had asked that key defense witnesses be called, interviewed, and subpoenaed to testify (**Exhibit C, D**). None of the witnesses had even been contacted or interviewed prior to trial via telephone or any other means of communication and was not subpoenaed to testify at trial. I had asked my counsel why none of my witnesses had been subpoenaed. He responded again with his strategy of "Sitting back and letting the State loose the case themselves, as the evidence does not support the States claim". During trial I asked why my witnesses wasn't subpoenaed. Was told we didn't need them

"defer to a lawyer's strategic trial choices, [but] those choices must have been made after counsel conducted reasonable investigation or [made] a reasonable decision that made particular investigations unnecessary." Summerlin v. Schriro (9th Cir., 2005) 427 F.3d 623, 630 (quoting Strickland, at 691).

In a desperate matter, on December 26, 2020, a man from the community had put a gun to my chest, pulling the trigger and the weapon misfired.

After this incident, I again asked my counsel Kale Brock to request for a change of venue. I stated, "If you think I feel safe and think I am going to get a fair trial here in Lovelock, with a Judge who was an opponent and victor against a guy I worked for. Who was in the race for DISTRICT COURT JUDGE, I coached his honors children in baseball and football and there is a lot of unhappy sports parents out there, now I have a gun put to my chest by a possible juror? So, no I do not feel I will get a fair trial with this judge or a jury here now that a potential juror tried to kill me. Plus, my sister-in-law once worked for Judge Shirley while he was District Attorney of Pershing County. I had said to Mr. Brock "Your nuts and I'll ask for another attorney if I have to". Following this conversation with counsel, I was presented with a motion to convert jury trial to bench trial my following court date. No counseling or advisement of the consequences and repercussions was ever explained to me. What was explained to me was that I was upsetting the Court and The DA's office and its better if I just conform to the traditional path of the court. So, I did, and I didn't raise any further issues. I felt I was advised to just tell the court what the court wanted to hear.

I DONALD RAY LAMONT WANNER SR, at no time asked for a bench trial. I at no time asked to have my jury removed and asked for a bench trial. Due to my concerns, "I DID NOT WANT HONORABLE JIM SHIRELY PRESIDING IN MY CASE NOR DID I WANT A JURY FROM HERE". This was my position period.

. During my trial my FIFTH, SIXTH AND FOURTEETH AMENDMENTS was violated when my trial was anything but fair. My counsel did not ask any of the questions we discussed either direct or during cross examination. In my appeal to the Supreme Court for the State of Nevada, my counsel states a claim of the judge falling asleep. Mr. Brock witnessed this. I nudged him during one of these times. All he did was laugh. I said, "call for a mistrial". Brock replied, "we're fine". The engagement was absent by my counsel. Sitting back allowing the Judge to hear nothing from the defense was the total opposite of what I had requested. I, from the start of my case had said "I want to testify". Somehow my counsel convinced me not to because we had eliminated the elements of the crime. Again, did not assist me. My counsel assisted the Court and the DA in getting back on the traditional path. I requested that Mr. Brock be subpoenaed for the purpose of my appeal. I have no record of a subpoena for Mr. Brock.

. Finally, as for the reasons I was given in response to why none of these requests had been addressed. Why certain motions and subpoenas had not been done, was the budget cap. I was told there was a cap on funding that Pershing County would allow for Miller Law to defend me. Yet the STATE has unlimited resources. This in no way is what anyone would consider FAIR. And now, I am being charged the difference. This is not fair to anyone. Most recent invoice from Miller Law **(EXHIBIT E)**.

The **FIFTH AMENDMENT DOUBLE JEPORDY CLAUSE** protects the accused from being tried twice for the same crime. DOUBLE JEPORDY is attach in a bench trial when the first witness is sworn in. Two of the charges against me had DOUBLE JEPORDY attached. One of those charges was dismissed because it in fact put me in jeopardy and was dismissed prior to trial. However, the second charge that also violated my FIFTH AMENDMENT RIGHT, DOUBLE JEPORDY CLAUSE, stayed attached throughout the entire trial and was not dismissed until April 6, 2020, over a month after trial was completed. In a jury trial DOUBLE JEPORDY is attached once the jury is sworn in. In a Bench Trial DOUBLE JEPORDY is attached when the first witness is sworn in.

CONCLUSION

The CONSTITUTION OF THE UNITED STATES OF AMERICA protects its citizens public and private against malicious prosecutions. Guarantees that individuals accused of crimes will have a fair and public trial and be appointed EFFECTIVE COUNSEL. Guarantees that no person shall be deprived of **LIFE or LIBERTY**

without **DUE PROCESS.** At no time was I ever treated FAIR. At no time was my counsel, any four of them, effective. I was forced to take the path that counsel had been educated in following. This traditional path seems to be the path of the guilty getting a lesser punishment. Being bullied into committing perjury by taking a plea deal, if not face a harsher sentence is anything but fair. To the average individual, this would seem to be **COERCION, BLACKMAIL, INTIMIDATION and MANIPULATION.** Due to my not following the traditional path of the court, I upset the COURT and the DA according to my numerous courts appointed counsel. The ineffectiveness of counsel is what was expected in my case. Under Corpus Juris Secundum (CJS), (means "body of law") Volume 7, Section 4 – Attorney & client: The attorney's first duty is to the courts and the public, not to the client, and wherever the duties to his client conflict with those he owes as an officer of the court in the administration of justice, the former must yield to the latter." Had any one of the four counselors assisted me in the manner I requested. Had any of the four counselors appointed by the court, engaged themselves in defending me and not "Yielding to the latter" the outcome of this case would have produced a NOT GUILTY verdict. Had my counsel during trial engaged himself in my defense. By objecting, asking relevant questions or correcting the speculations the STATE presented. The judge or jury would have heard both sides of the argument and I would have received a NOT GUILTY verdict. The judge only heard one side of the argument. So of course, His Honor would render a GULTY verdict. The DA told what I see as a bunch of lies and used my UNSWORN STATEMENT, that I gave him no permission to read or use against me. Twisted the facts of the contents of that UNSWORN STATEMENT. While my court appointed counsel presented no accurate rebuttal. He called no witnesses. He did not investigate anything regarding my defense. He too relied solely on my UNSWORN STATEMENT.

During closing arguments

CURRENT STATUIS

I have served 19 months of my 24 to 72 months sentence. My other sentences have been served in this case. My expected parole date is June 22, 2022. I have been in the community of Pershing County for 28 years. I have raised 3 wonderful young men. All of which are attending college. Two- and Three-time 2A State Champions in wrestling, Two- and Three-time 2A State Football Champions, Honor Club, 2A Football State

Champion MVP for the first time in the history of Pershing County Mustangs Football, Homecoming King, two of my boys received baseball scholarships. Traditionally or statistically, one does not raise young men like I have while out committing felonies. There have never been any serious issues with me in the community. I have not encountered any major issues or write ups while incarcerated at NDOC or the 317 program. My matters in Justice Court have been resolved and my balance for monies owed to the court is zero. I have done a lot of good for a lot of people in this community over the years. I am not a problem in the community. I recently have had to turn down employment that would have set the stage for a brighter future, due to this situation. My mother, who lived with me so that I could be her caregiver, passed away November 12, 2021, due to complications of chemotherapy that led to pneumonia. This would not be an issue if I was not currently being restrained of my LIBERTIES and could take the employment I was offered. This is very troublesome as I am obligated to pay Intercept Offender Monitoring in the amount of twelve dollars a day along with thirty dollars a month parole and probation fees and an additional one hundred and twenty dollars a month for substance abuse counseling, that I am required to attend, in a matter that was not involving drugs or alcohol. All of which are paid up to date. I fear without relief of this court, I may fall behind on either my 317 program financial responsibilities, which would be a violation of compliance and I lose my liberties further. Or I fall behind on my utilities, land taxes and lose my home. This judgement of conviction has hindered any movement and plans I have for my future. This judgement of conviction has **NOT** defined my future, just as my numerous counsels have **NOT** defined my innocence.

RELIEF SEEKING

I feel the proper relief in this matter is to be released from States custody and my felonies dismissed without prejudice. Or that I am released from States custody and given a new trial so that I may properly prove my innocence. I respectfully pray for this court's relief.

Petitioner,

Dated this 24th day of January 2022

DONALD RAY LAMONT WANNER SR. PRO SE'

UCC 1-308

I reserve all my rights.

Pershing County Public Defender's Office

Pershing County Public Defender
P.O. Box 941
Lovelock, NV 89419
775 273 4300

October 23, 2018

Dear Mr. Wanner,

I received numerous facebook messages to my personal facebook page and four emails over the weekend from you. This is again to reiterate to you that my personal facebook page is not for the business dealings of the public defender's office. Furthermore, as indicated in the previous letter, your email address does not receive messages, so communication by email under the status quo is not advisable until you remedy the situation.

Nonetheless, I will go ahead and try and address your emails over the weekend:

I disagree that an alleged violation of the p.o.s.t. handbook results in suppression of evidence. Suppression matters deal with intentional constitutional violations, not p.o.s.t. handbook violations. Therefore, the requested motion as requested will not occur. You are free to file whatever civil paperwork you want, although it is still not advised at this time. If you wish to have another attorney represent you, please have that attorney send over a substitution of counsel. If you wish to represent yourself, please advise and we will file the appropriate paperwork.

NRS 205.0828 1 (d) appears detrimental to your situation, not beneficial. Also you did make an admission to the criminal allegation regarding the atv in your fb post, despite attempting to explain it away in your email.

While you're in Chapter 205 of the NRS, make sure you read NRS 205.0832, its got some relevant information to your situation. The bill of sale is of concern because it is direct evidence of one of the crimes the state alleges against you. A bill of sale is how an item can be sold that is in **lawful** possession of the person selling said item, not someone in unlawful possession of an item. Its really good evidence to show someone trying to divest an item that is not in their legal possession, as we have here, in written form, authored and signed by you. You generally can't suppress your own voluntary statements and recordings. Additionally, numerous forms of evidence that you were the author of lead to the conclusion that you did or should have known of the vehicle's legal status you sold.

Exhibit B

11th JUDICIAL DISTRICT COURT OF THE STATE

OF NEVADA IN AND FOR PERSHING COUNTY,

The Public defender (PD) I've been assigned has NOT assisted in my case AT ALL.

I was given a plea agreement 15 mins before my arraingment On March 4, 2019. My feelings towards the service is one of which that can be found in the Davis vs Nevada Class Action Lawsuit filed In THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR CARSON CITY. I have been threatened with more serious consequences if I do not agree to the offer from the STATE which includes continuous prosectutions and lengthy incarceration recomendations to the court.

Through intimidation tactics and deceit, I was convinced to waive my pre-trial proceedings in Justice Court. I have continuoustly maintained my innocence, and have questioned the legitimacy of Deputy Thornhills investigation. I have shown my PD proof of falsified statements and/or altered documents along with other Constitutional Rights Violations, which has refused to investigate my concerns. Deputy Thornhill had threatened and harrassed one primary witness for his statement against me, knowing the witness was under the influence of heroine on both occasions. Once again my PD refused to invesitgate this matter. I requested for my PD file Motion to Supress Witness Statements due to CONSTITUTIONAL RIGHTS violations. My PD stated he would not file any motions on my behalf, but would simply file a motion for him to be stand by counsel.

I do not feel I am safe continuing this case under these circumstances. I feel my case has been litigated without me on and off the legal record of the court. Falsified witness statements, incomplete bias investigation by Deputy Thornhill , CONSTITUTIONAL RIGHTS VIOLATIONS UNDER COLOR OF LAW, Deprivation of Rights, False imprisonment, and attempted acts by Lovelock Police Dept Officer Soukop and numerous Pershing County Deputies to place myself in DOUBLE JEPORDAY. Placing the County and State at legal risk by attempting to force me to pay twice bail money in the amount of $30,000. by unlawfully arresting me for driving susupended in order to revoke current bail bond. I respectfully ask the 11th DISTRICT COURT to review these matters before continuing with my arraignment as it will lead to more serious CONSTITUTIONAL RIGHTS violations and possible criminal charges against the State of Nevada and its public servants.

Thank you,

Exhibit C

d1wanner3@outlook.com

From: Donald Wanner Sr
Sent: Thursday, February 13, 2020 1:10 PM
To: Information
Subject: Witness subpoena

Good morning,

I need a subpoena sent to Christopher Ruprect P.O. Box 162 Lovelock Nv 89419 for my up coming trial.
Thank you

Sent from my iPhone

Exhibit D

d1wanner3@outlook.com

From: Donald Wanner Sr
Sent: Friday, February 21, 2020 6:44 AM
To: Michelle Miller
Subject: Another witness /my defense

My son Joaquin who is in college at the moment will testify that he In fact spoke with Emillio at school, and had asked Emillio, "my dad wants to know if you are going to sale the mustang." Emillio's response was "IDK HE GOTTA TALK TO MY DAD"...again why would I think this car would be reported stolen? And again, this deal was no secret. Not to anyone. I'm sure the DA knows if the exchange between my son and Emillio. This is possibly the reason those 3 witnesses are not on the list. And there are messages supporting t

Debbie Mock was mad because the car wasn't sold for more money. So she goes B mode and reports it stolen. They get the car back, they keep Chases money, Manny gets his charges dismissed, and I got 4 felonies and 1 gross misdemeanor...AND ALL I DID WAS HELP MANNY SELL THE CAR while trying to earn extra, through cash or trade, with Manny. To pay fines I accrued while having my constitutional rights violated every time I was cited for driving without a license. And supporting my 3 boys who have done amazing things for this town. Everyone will tell you my kids are great. And now gambling with my freedom. My kids mother and I raised our boys, not together, but always took care of our kids. So is the DA this stupid that he doesn't see this?

Debbie and Manny got over on everyone and the DA wants me to plea, originally to a Class B. The guy that stuck a gun to my chest and pulled the trigger, the day after Christmas was given a class B...this goes way deeper than my principals. That's some horrible karma for me to be taking on if I took a deal. I'm not trying to bring no voodoo bad on me.

As in the quad. I removed the property to protect myself and my ELDERLY, HANDICAPPED ,DISABLED MOTHER because of threats of violence. By drug dealers, ARMED.

Joaquin Wanner 775.515.9835

Sent from my iPhone

Exhibit E

Miller Law, Inc.

INVOICE

115 West 5th Street
WINNEMUCCA, NV 89445

Invoice # 9900
Date: 07/02/2021
Due Upon Receipt

Donald Ray Lamont Wanner, Sr.
2525 Upper Valley Road
Lovelock, Nevada 89419

Wanner, Sr., Donald 8500-00001

Wanner, Sr., Donald Ray Lamont v. State of Nevada-Pershing county court appointed

Type	Date	Timekeeper	Notes	Quantity	Rate	Total
Service	06/29/2021	JM	review Order of affirmance	0.30	$100.00	$30.00
					Total	**$30.00**

Detailed Statement of Account

Other Invoices

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
9612	06/04/2021	$40.00	$0.00	$40.00
10141	08/03/2021	$90.00	$0.00	$90.00

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
9900	07/02/2021	$30.00	$0.00	$30.00
			Outstanding Balance	**$160.00**
			Total Amount Outstanding	**$160.00**

Please make all amounts payable to: Miller Law, Inc.

Payment is due upon receipt.

Exhibit F

POINTS AND AUTHORITIES IN SUPPORT OF MOTION

I. FACTS

On March 21, 2020, approximately a month after the conclusion of a Bench Trial and approximately 6 days after a guilty verdict was rendered on Count I of the criminal information, the Court issued an Order requesting a brief on Count III Profiting from a Stolen Vehicle and the merger doctrine as it relates to Count I Possession of a Stolen Vehicle.

II. LAW AND ARGUMENT

1. The classic "Merger Doctrine" does not fit Count I and Count III.

The Merger Doctrine, in its Treatise form, is best exemplified in this context as a lesser crime of the same type that can be achieved without an additional element found in the greater charge. The principle example is the crime of Larceny, a theft crime, would merge into Robbery, also a theft crime with the additional element of force or threat of force and otherwise accomplish all necessary elements of Larceny. In the example, the lesser of the two crimes is becomes a lesser included offense and the Double Jeopardy Clause prohibits conviction for both offenses. *See*: Barton v. State, 117 Nev. 686, 692 (2001). In the present case, Count I and Count III are equal crimes. The sentencing guidelines are the same for both charges and neither charge appears to be subservient to the other. Therefore, neither could be considered a "lesser included offense" that was intended to be guarded against by the classic common law Merger Doctrine.

2. The Double Jeopardy Clause protects against multiple punishments for the "same offense".

The Nevada Supreme Court has looked to the much maligned holding found in Blockberger v. United States, 284 U.S.299, 304 (1932) to determine whether two statutes punish the offender for the same offense. Jackson v. State, 128 Nev. 598, 604 (2012). The Blockberger test "inquires whether each offense contains an element not contained in the other; if not they are the 'same offence' and double jeopardy bars additional punishment and successive prosecution." Id. quoting United States v. Dixon, 509 U.S. 688, 696 (1993). However, the test itself is not