

*Steven D. Grierson*

Christopher Blockson  
In Propria Personam  
Post Office Box 208, S.D.C.C.  
Indian Springs, Nevada 89018

Electronically Filed  
Oct 21 2021 02:00 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF Clark

State of Nevada

Plaintiff,

vs.

Christopher Blockson

Defendant.

Case No. C-18-336552-1

Dept. No. XXX

Docket \_\_\_\_\_

### NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,  
Christopher Blockson, in and through his proper person, hereby  
appeals to the Supreme Court of Nevada from the ORDER denying and/or  
dismissing the Motion to Overturn and Vacate Conviction For Outrageous  
Government Conduct and the Refusal of Judge Wiese and District  
Attorneys Office For Clark County.  
ruled on the 4<sup>th</sup> day of October, 20 21.

Dated this 10 day of October, 20 21

Respectfully Submitted,

Christopher Blockson  
Christopher Blockson

CLERK OF THE COURT

OCT 13 2021

RECEIVED

**CERTIFICATE OF SERVICE BY MAILING**

I, Christopher Blockson, hereby certify, pursuant to NRCP 5(b), that on this 10 day of October, 2021, I mailed a true and correct copy of the foregoing, "Motion to overturn and vacate conviction for outrageous Government conduct and the Recusal of Judge Wiese and the District Attorney's Office for Clark County", by placing document in a sealed pre-postage paid envelope and deposited said envelope in the United State Mail addressed to the following:

Steven D. Brisson  
CLERK OF THE COURT  
200 Lewis Avenue, 3RD Floor  
Las Vegas, NV 89155-1160

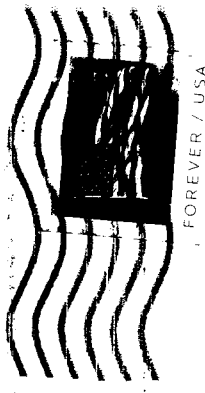
CC: FILE

DATED: this 10 day of October, 2021.

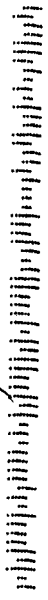
Christopher Blockson  
Christopher Blockson # 50321  
/In Propria Personam  
Post Office Box 208, S.D.C.C.  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS:

Christopher Blackson  
#50821  
P.O. Box 208  
Indian Springs, NV 89070

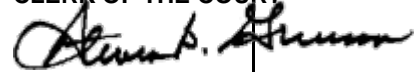
LAS VEGAS NV 890  
8 OCT 2021 PM 4 L



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



000009-10168



1 ASTA

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

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 CHRISTOPHER BLOCKSON  
14 aka CHRISTOPHER LENARD BLOCKSON,

15 Defendant(s),  
16

Case No: C-18-336552-1

Dept No: XXX

17 **CASE APPEAL STATEMENT**  
18

19 1. Appellant(s): Christopher Blockson

20 2. Judge: Jerry A. Wiese

21 3. Appellant(s): Christopher Blockson

22 Counsel:

23 Christopher Blockson #50821  
24 P.O. Box 208  
25 Indian Springs, NV 89070

26 4. Respondent: The State of Nevada

27 Counsel:

28 Steven B. Wolfson, District Attorney  
200 Lewis Ave.

Las Vegas, NV 89101  
(702) 671-2700

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

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

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

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

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

9. Date Commenced in District Court: November 29, 2018

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

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 78731, 81360, 82860

12. Child Custody or Visitation: N/A

Dated This 14 day of October 2021.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

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

cc: Christopher Blockson

## EIGHTH JUDICIAL DISTRICT COURT

# CASE SUMMARY

## CASE NO. C-18-336552-1

State of Nevada  
vs  
Christopher Blockson

§ Location: Department 30  
§ Judicial Officer: Wiese, Jerry A.  
§ Filed on: 11/29/2018  
§ Cross-Reference Case Number: C336552  
§ Defendant's Scope ID #: 1220853  
§ ITAG Booking Number: 1800056375  
§ ITAG Case ID: 2036722  
§ Lower Court Case # Root: 18F06094  
§ Lower Court Case Number: 18F06094X  
§ Metro Event Number: 1804043713  
§ Supreme Court No.: 78731  
§ 82860

### CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
Jurisdiction: District Court					
1. CRUELTY TO ANIMALS PCN: 0025745275 ACN: 1804043713 Arrest: 04/04/2018 MET - Metro	574.100.5a	F	04/04/2018	Case Status:	10/04/2021 Closed
2. OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON	202.360.1	F	04/04/2018		
3. DISCHARGE OF FIREARM FROM OR WITHIN STRUCTURE OR VEHICLE	202.287.1b	F	04/04/2018		

### Related Cases

A-20-810466-W (Writ Related Case)

### Statistical Closures

10/04/2021 Guilty Plea with Sentence (before trial) (CR)  
01/21/2020 Guilty Plea with Sentence (before trial) (CR)

### Bonds

Surety #CF150-70293692 \$28,000.00  
10/17/2018 Active  
4/26/2019 Exonerated  
Counts: 1, 2, 3

### DATE

### CASE ASSIGNMENT

#### Current Case Assignment

Case Number C-18-336552-1  
Court Department 30  
Date Assigned 11/29/2018  
Judicial Officer Wiese, Jerry A.

### PARTY INFORMATION

Defendant	Blockson, Christopher	Lead Attorneys
		Almase, Caesar V. Retained 702-463-5590(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

### DATE

### EVENTS & ORDERS OF THE COURT
















### INDEX

### EVENTS

11/29/2018















Index #1

**CASE SUMMARY**  
**CASE NO. C-18-336552-1**

	 Criminal Bindover - Confidential <i>[1] Criminal Bindover (Confidential)</i>	
11/29/2018	 Criminal Bindover Packet Justice Court <i>[2] Criminal Bindover</i>	<i>Index #2</i>
11/29/2018	 Bail Bond <i>[3]</i>	<i>Index #3</i>
12/10/2018	 Information <i>[4]</i>	<i>Index #4</i>
12/21/2018	 Guilty Plea Agreement <i>[5]</i>	<i>Index #5</i>
01/23/2019	 PSI <i>[6] Presentence Investigation Report (Unfiled) Confidential</i>	<i>Index #6</i>
01/23/2019	 PSI - Defendant Statements <i>[7]</i>	<i>Index #7</i>
03/18/2019	 Motion to Dismiss Counsel Party: Defendant Blockson, Christopher <i>[8] Motion to Dismiss Counsel and Appoint Alternative Counsel</i>	<i>Index #8</i>
04/22/2019	 Judgment of Conviction <i>[9] Judgment of Conviction (Plea of Guilty)</i>	<i>Index #9</i>
05/02/2019	 Motion for Appointment of Attorney Filed By: Defendant Blockson, Christopher <i>[10] Motion to Appoint Appellant Counsel</i>	<i>Index #10</i>
05/02/2019	 Notice of Appeal (Criminal) Party: Defendant Blockson, Christopher <i>[11] Notice of Appeal</i>	<i>Index #11</i>
05/06/2019	 Case Appeal Statement Filed By: Defendant Blockson, Christopher <i>[12]</i>	<i>Index #12</i>
06/05/2019	 Order Granting Filed By: Plaintiff State of Nevada <i>[13] Order Granting Defendant's Pro Per Notice of Appeal and Defendant's Pro Per Motion to Appoint Appellant Counsel</i>	<i>Index #13</i>
07/22/2019	 Request Filed by: Defendant Blockson, Christopher <i>[14] Appellant's Request for Transcripts</i>	<i>Index #14</i>
07/22/2019	 Request Filed by: Defendant Blockson, Christopher <i>[15] Appellant's Request for Transcripts</i>	<i>Index #15</i>

# CASE SUMMARY









CASE NO. C-18-336552-1

08/15/2019	 Recorders Transcript of Hearing <i>[16] Transcript of Hearing Held on December 10, 2018</i>	<i>Index #16</i>
08/15/2019	 Recorders Transcript of Hearing <i>[17] Transcript of Hearing Held on December 21, 2018</i>	<i>Index #17</i>
08/21/2019	 Reporters Transcript Filed By: Defendant Blockson, Christopher <i>[18] Transcript of Hearing Held on April 9, 2019</i>	<i>Index #18</i>
08/21/2019	 Reporters Transcript Filed By: Defendant Blockson, Christopher <i>[19] Transcript of Hearing Held on April 16, 2019</i>	<i>Index #19</i>
08/21/2019	 Reporters Transcript Filed By: Defendant Blockson, Christopher <i>[20] Transcript of Hearing Held on May 23, 2019</i>	<i>Index #20</i>
01/21/2020	 Criminal Order to Statistically Close Case <i>[21]</i>	<i>Index #21</i>
03/25/2021	 Motion for Appointment of Attorney Filed By: Defendant Blockson, Christopher <i>[22] Motion to Appoint Counsel and Motion to Modify and/or Correct Illegal Sentence</i>	<i>Index #22</i>
04/14/2021	 Order <i>[23]</i>	<i>Index #23</i>
04/29/2021	 Notice of Appeal (Criminal) <i>[24] Notice of Appeal</i>	<i>Index #24</i>
04/30/2021	 Case Appeal Statement Filed By: Defendant Blockson, Christopher <i>[25]</i>	<i>Index #25</i>
05/12/2021	 Notice of Appeal (Criminal) Party: Defendant Blockson, Christopher <i>[26] Notice of Appeal to the Nevada Supreme Court of Motion to Appoint Counsel and Motion to Modify and or Correct Illegal Sentence, Ruled on April 14, 2021.</i>	<i>Index #26</i>
05/13/2021	 Case Appeal Statement Filed By: Defendant Blockson, Christopher <i>[27]</i>	<i>Index #27</i>
08/13/2021	 Motion Filed By: Defendant Blockson, Christopher <i>[28] Motion to Overturn and Vacate Conviction for Outrageous Government Conduct and Recuse of Judge Weiss and District Attorney's Office for Clark County Nevada</i>	<i>Index #28</i>
08/31/2021	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[29] State's Opposition to Defendant's Motion to Overturn and Vacate Conviction for Outrageous Government Conduct and Recusal of Judge Wiese and District Attorney's Office for Clark County, Nevada</i>	<i>Index #29</i>






# CASE SUMMARY

CASE NO. C-18-336552-1



09/16/2021	 Reply to Opposition Filed by: Defendant Blockson, Christopher <i>[30] Reply to State's Opposition to Defendant's Motion to Vacate Conviction</i>	Index #30
09/16/2021	 Motion Filed By: Defendant Blockson, Christopher <i>[31] Motion and Order for Transportation of Inmate for Court Appearance or in the Alternative for Appearance by Telephone or Video Conference</i>	Index #31
09/27/2021	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>[32] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed and Remand</i>	Index #32
10/04/2021	 Amended Judgment of Conviction <i>[33] AMENDED JUDGMENT OF CONVICTION</i>	Index #33
10/04/2021	 Order <i>[34] ORDER</i>	Index #34
10/05/2021	 Supplemental Brief Filed By: Defendant Blockson, Christopher <i>[35] Supplemental Brief Re Reply to State's Opposition to Motion to Overturn and Vacate Conviction</i>	Index #35
10/13/2021	 Notice of Appeal (Criminal) <i>[36] Notice of Appeal</i>	Index #36
10/14/2021	 Case Appeal Statement Filed By: Defendant Blockson, Christopher <i>Case Appeal Statement</i>	Index #37

## HEARINGS

12/10/2018	 <b>Initial Arraignment</b> (10:00 AM) (Judicial Officer: Johnson, Susan) Matter Continued; Journal Entry Details: <i>Deputized Law Clerk, Yu Meng, present for the State. David Fischer, Esq. present on behalf of Michael Troiano, Esq. for the Deft. Information FILED IN OPEN COURT. Mr. Fischer requested matter be continued two (2) weeks as Mr. Troiano is in trial. State indicated Deft. waived up on a negotiation which expires today and stated a Guilty Plea Agreement can be drafted within two (2) days. State submits to the Court regarding how long to continue matter. Court indicated plea should be entered before Christmas. COURT ORDERED, matter CONTINUED. BOND 12/21/2018 10:00 A.M. ARRAIGNMENT CONTINUED (LLA);</i>	
12/21/2018	 <b>Arraignment Continued</b> (10:00 AM) (Judicial Officer: Wiese, Jerry A.) Plea Entered; Journal Entry Details: <i>Deputized Law Clerk Yu Meng appearing for the State. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. BLOCKSON ARRAIGNED AND PLED GUILTY TO COUNT 1 - CRUELTY TO ANIMALS (F) and COUNT 2 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P &amp; P) and set for SENTENCING. Court DIRECTED Deft. to report to P &amp; P within 48 hours. Pursuant to negotiations, COURT FURTHER ORDERED, Count 3 is DISMISSED. BOND 4/16/19 8:30 AM SENTENCING (DEPT. 30);</i>	
04/09/2019	 <b>Motion to Dismiss</b> (8:30 AM) (Judicial Officer: Wiese, Jerry A.) <b>04/09/2019, 04/16/2019</b>	

# CASE SUMMARY

CASE NO. C-18-336552-1

	<p><i>Defendant's Pro Per Motion to Dismiss Counsel and Appoint Alternative Counsel</i></p> <p>Matter Continued; Off Calendar; Matter Continued; Off Calendar; Journal Entry Details: <i>John Parris, Esq., on behalf of Michael Troiano, Esq., for Defendant. Ms. Getler advised this was Ms. Ferreira's case and she did not have the case file. Mr. Parris requested a continuance for Mr. Troiano's presence. Defendant stated he did not want to file any motions, did not want to withdraw his plea, and did not want Mr. Troiano to speak on his behalf, however, wants to discuss bail. Defendant provided the Court letters of support to review before Sentencing. COURT ORDERED, matter CONTINUED and DIRECTED Mr. Troiano to speak with Defendant regarding any concerns. Mr. Parris advised he would inform Mr. Troiano of the Court's directives. BOND CONTINUED TO: 04/16/19 8:30 AM;</i></p>
04/16/2019	<p><b>Sentencing (8:30 AM)</b> (Judicial Officer: Wiese, Jerry A.) Defendant Sentenced;</p>
04/16/2019	<p> <b>All Pending Motions (8:30 AM)</b> (Judicial Officer: Wiese, Jerry A.) Matter Heard; Journal Entry Details: <i>DEFENDANT'S PRO PER MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATIVE COUNSEL...SENTENCING Mr. Troiano confirmed no issues pursuant to stockmeier and announced ready to proceed with Sentencing. DEFENDANT BLOCKSON ADJUDGED GUILTY of COUNT 1 - CRUELTY TO ANIMALS (F) and COUNT 2 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (F). Ms. Ferreira advised Defendant picked up a new case and provided such report to the Court. Defendant provided letters to the Court for review and made a statement. CONFERENCE AT THE BENCH. Ms. Ferreira submitted on the negotiations. Argument by Mr. Troiano. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA analysis fee, including testing to determine genetic markers, \$3.00 DNA Collection fee, and \$250.00 Indigent Defense Civil Assessment fee, Defendant SENTENCED on COUNT 1 - to a MAXIMUM of FORTY- EIGHT (48) MONTHS and a MINIMUM of NINETEEN (19) MONTHS in the Nevada Department of Corrections (NDC) and on COUNT 2 - to a MAXIMUM of SEVENTY- TWO (72) MONTHS and a MINIMUM of TWENTY- EIGHT (28) MONTHS in the NDC, CONSECUTIVE to COUNT 1, for an AGGREGATE total of a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY- SEVEN (47) MONTHS in the NDC with SEVENTY- FOUR (74) DAYS credit for time served. COURT FURTHER ORDERED, Count 3 - DISMISSED. Mr. Troiano requested to withdraw as Counsel for any post conviction. Defendant had no objection. COURT ORDERED, Mr. Troiano WITHDRAWN. BOND, if any, EXONERATED. NDC;</i></p>
05/23/2019	<p><b>Motion for Appointment of Attorney (8:30 AM)</b> (Judicial Officer: Wiese, Jerry A.) <i>Defendant's Pro Per Motion to Appoint Appellant Counsel</i> Motion Granted;</p>
05/23/2019	<p><b>Hearing (8:30 AM)</b> (Judicial Officer: Wiese, Jerry A.) <i>Defendant's Pro Per Notice of Appeal</i> Matter Heard;</p>
05/23/2019	<p> <b>All Pending Motions (8:30 AM)</b> (Judicial Officer: Wiese, Jerry A.) Matter Heard; Journal Entry Details: <i>DEFENDANT'S PRO PER NOTICE OF APPEAL...DEFENDANT'S PRO PER MOTION TO APPOINT APPELLANT COUNSEL Defendant not present. Ms. Derjavina advised Defendant was sentenced on 04/16/19, Michael Troiano withdrew and was now requesting new counsel for the purposes of appeal. Ms. Derjavina had no objection to the appointment of counsel. COURT ORDERED, Defendant's Motion to Appoint Appellant Counsel GRANTED; Cesar Almase APPOINTED. NDC CLERK'S NOTE: Department XXX's Law Clerk informed Cesar Almase, Esq., of the appointment. //05/23/19 vm;</i></p>
04/15/2021	<p><b>CANCELED Motion for Appointment of Attorney (8:30 AM)</b> (Judicial Officer: Wiese, Jerry A.)</p>

**CASE SUMMARY**

**CASE NO. C-18-336552-1**

*Vacated*

*Motion for Appointment of Attorney and Motion to Modify Illegal Sentence*

09/07/2021



**Motion** (8:30 AM) (Judicial Officer: Wiese, Jerry A.)

*Motion to Overturn and Vacate Conviction for Outrageous Government Conduct and Recuse of Judge Weiss and District Attorney's Office for Clark County Nevada*

Matter Continued;

Journal Entry Details:

*State present via BlueJeans video conferencing. Defendant not present, in Nevada Department of Corrections. Court advised this Court had not yet received a remittitur from the Appeals Court; therefore, this Court does not have jurisdiction to hear the motion yet. COURT ORDERED, matter CONTINUED for 30 days for the filing of a remittitur. NDC CONTINUED TO: 10/05/21 8:30 AM;*

10/07/2021

**CANCELED Motion** (8:30 AM) (Judicial Officer: Wiese, Jerry A.)

*Vacated - per Order*

*Motion and Order for Transportation of Inmate for Court Appearance or in the Alternative for Appearance by Telephone or Video Conference*

**DISTRICT COURT  
CLARK COUNTY, NEVADA  
-oOo-**

STATE OF NEVADA, )  
)  
Plaintiffs, ) CASE NO.: C-18-336552-1  
) DEPT. NO.: XXX  
vs. )  
)  
CHRISTOPHER BLOCKSON, )  
) **ORDER**  
Defendant. )  
\_\_\_\_\_ )

**INTRODUCTION**

The above-referenced matter is scheduled for a hearing on October 5, 2021, with regard to Defendant's Motion to Overturn and Vacate Conviction for Outrageous Government Conduct and Recusal of Judge Wiese and District Attorney's Office for Clark County, Nevada. This matter has also been remanded by the Nevada Court of Appeals to Correct the Judgment of Conviction. Pursuant to the Administrative Orders of the Court, as well as N.R.Cr.P. 8(2), these matters may be decided with or without oral argument. This Court has determined that it would be appropriate to resolve these issues on the pleadings, and consequently, this Order issues.

**FACTUAL AND PROCEDURAL HISTORY**

On 12/10/18, Defendant Christopher Blockson was charged in Case No. C336552 with: Count 1- Cruelty to Animals (Category D Felony- NRS 574.100.1a); Count 2- Ownership or Possession of Firearm by Prohibited Person (Category B Felony- NRS 202.360); and Count 3- Discharge of Firearm From or Within a Structure or Vehicle (Category B Felony- NRS 202.287).

In conformity with the allegations in the Information, Defendant pled guilty to willfully, unlawfully, maliciously and feloniously torturing, unjustifiably maiming or killing a Pit Bull dog, by shooting and/or stabbing and/or cutting said dog, and/or failing to get medical treatment for said dog. He was also charged with willfully, unlawfully, and feloniously owing, or having in his possession and/or under his custody or control, a Ruger .357 revolver after being convicted in 1996 of Possession of Controlled Substance with Intent to Sell, which is a felony under Nevada law.

1 Defendant argues that this case arose when his wife brought home a rescue dog,  
2 which then attacked him.

3 Defendant was represented by Michael Troiano at the trial level. Pursuant to a  
4 (Guilty Plea Agreement) GPA filed on 12/21/18, Defendant pled guilty to one count of  
5 Cruelty to Animals and one count of Ownership or Possession of Firearm by Prohibited  
6 Person on 04/16/19. Defendant was sentenced to 19-48 months on Count 1 and 28-72  
7 months on Count 2, to run consecutive to Count 1. Defendant received an aggregate  
8 sentence of 47 to 120 months with 74 days' credit for time served. The Court dismissed  
9 Count 3. The JOC was filed on 04/22/19.

10 Defendant filed a Notice of Appeal on 05/02/19, and the Court appointed  
11 counsel Caesar Almase, Esq. on 05/23/19. On 08/01/19, the Supreme Court filed an  
12 Order indicating that there was some confusion about what lawyer was representing  
13 the Defendant. It is unclear what happened at that point between Makris and Almase,  
14 but Almase is currently listed on Odyssey as counsel of record in the instant case,  
C336552, and Defendant is listed as pro se in A810466.

15 Defendant filed a Notice of Withdrawal of his appeal on 12/30/19, and the  
16 Supreme Court filed an Order Dismissing Appeal on 01/16/20 in Case No. 78731,  
17 indicating that Defendant had filed a notice of voluntary withdrawal of his direct  
18 appeal.

19 Defendant then filed a Motion for Appointment of Attorney and post-conviction  
20 Petition for Writ of Habeas Corpus (PWHC) in related case no. A810466 on 02/13/20,  
21 in which he alleged that his sentence in Count 1 is illegal, because the State incorrectly  
22 alleged that a violation of NRS 574.100(1)(a) was a felony. Defendant believed this  
23 violation was actually a misdemeanor per statute; that his sentence on Count 1 was  
24 illegal; and that his plea was thus not knowing, voluntary, or intelligent. Defendant  
25 argued that because counsel did not catch the State's mistake, counsel was therefore  
26 ineffective. Defendant also argued that he accepted the deal because it was better than  
27 facing habitual treatment, and consequently, he did enter his plea knowingly and  
28 voluntarily, and did not wish to withdraw his plea. Defendant filed a Motion for  
Appointment of Counsel on 02/13/20 as well. That PWHC was set to be heard on  
05/07/20, but was decided on the papers instead. An Order denying Defendant's first  
PWHC was filed on 05/05/20, in which the District Court stated that Defendant

1 appeared to be misinterpreting NRS 574.100, because NRS 574.100(6) states in  
2 relevant part that a person who "willfully and maliciously" violates NRS 574.100(1)(a)  
3 "is guilty of a category D felony." Therefore, Defendant's argument that he was  
4 mischarged was belied by the record, and counsel was consequently not ineffective and  
5 appointment of counsel was unnecessary. Defendant's PWHC therefore lacked merit,  
6 and Defendant failed to meet his burden in establishing that his Due Process rights  
7 were violated.

8 Defendant appealed the 05/05/20 Order from A810466 to the Supreme Court  
9 on 06/16/20. On 07/01/20, the Supreme Court filed an 'Order Directing Transmission  
10 of Record and Regarding Briefing,' in which the Court concluded that its review of the  
11 complete record is warranted. The Record on Appeal was transmitted on 07/02/20.  
12 On 03/05/21, the Supreme Court filed an Order of Affirmance in 81360; Judgment was  
13 issued on 03/31/21. Defendant then filed a "Motion to Appoint Counsel and Motion to  
14 Modify and/or Correct Illegal Sentence: on 03/25/21. The District Court denied  
15 Defendant's Motion in an Order dated 4/14/2021. The Order stated, in pertinent part:

16 This Court finds and concludes that the Defendant's claim that his sentence is  
17 illegal, lacks merit, and is belied by the record. Defendant's claims that the State  
18 violated his rights, misrepresented the statutes, maliciously rewrote the animal  
19 cruelty statute, and maliciously prosecuted the Defendant, are all belied by the  
20 record. Defendant has failed to set forth any basis for appointment of counsel.  
21 Additionally, the Defendant's exact same arguments were previously denied by  
22 this Court when Defendant's Petition for Writ of Habeas Corpus was denied in  
23 A-20-810466-W. Much of the Court's Order from that case (Order dated  
24 5/5/20), has been set forth herein, but for completeness, the Court adapts and  
25 incorporates that Order herein by reference.

26 ....  
27 Based upon the foregoing, this Court finds and concludes that Defendant's  
28 Motion for Appointment of Attorney and Motion to Modify Illegal Sentence lack  
merit and are belied by the record. Defendant has failed to meet his burden in  
establishing that his Due Process rights or any other rights were violated. The  
Court finds no good cause to appoint counsel pursuant to NRS 34.750.  
Consequently, and good cause appearing,

IT IS HEREBY ORDERED ADJUDGED AND DECREED that Defendant's  
Motion for Appointment of Attorney and Motion to Modify Illegal Sentence are  
both hereby DENIED.

See Order dated 4/14/21.

1 Subsequently, Defendant filed an Appeal of the 4/14/21 Order. On 8/30/21, the  
2 Court of Appeals issued an Order of Affirmance and Remanding to Correct the  
3 Judgment of Conviction. The Court of Appeals held:

4 ...it is clear that Blockson pleaded guilty to, and was sentenced in accordance  
5 with, felony animal cruelty under NRS 574.100(6)(a). And because the district  
6 court imposed Blockson's sentence in accordance with NRS 574.100(6)(a),  
7 Blockson did not demonstrate that his sentence was illegal. Therefore, we  
8 conclude the district court did not err by denying this claim.

9 We note, however, that the judgment of conviction contains a clerical  
10 error. A judgment of conviction must include sentencing statutes. NRS  
11 176.105(1)(c). Blockson's judgment of conviction did not refer to either NRS  
12 574.100(6)(a) or NRS 193.130(2)(d). However, a clerical error "may be corrected  
13 by the court at any time." NRS 176.565. Accordingly, we direct the district court,  
14 upon remand, to enter an amended judgment of conviction that includes the  
15 proper sentencing statutes. We therefore remand this matter to the district court  
16 for the limited purpose of correcting the clerical error in the judgment of  
17 conviction.

18 See Order of Affirmance and Remanding to Correct the Judgment of Conviction, filed  
19 8/30/21, at pg. 2.

20 Before the Order of Affirmance and Remanding was issued by the Court of  
21 Appeals, on August 3, 2021, Defendant mailed a "Motion to Overturn and Vacate  
22 Conviction for Outrageous Government Conduct and Recusal of Judge Weiss and DA's  
23 Office." The Motion appears to be postmarked "08/06/2021." The Clerk of Court's  
24 Office received the Motion on August 9, 2021, and filed it on August 13, 2021. The State  
25 filed an Opposition on August 31, 2021. Defendant mailed a Reply, which as received by  
26 the Clerk of Court on 9/15/21 and e-filed on 9/16/21. Defendant signed "9 October,  
27 2021."

## 28 **SUMMARY OF LEGAL AND FACTUAL ARGUMENTS**

The majority of Defendants' Motion appears to contain arguments almost  
identical to those set forth in his Motion to Appoint Counsel and Motion to Modify  
and/or Correct Illegal Sentence' filed on 03/25/21 and decided on 4/14/21. However,  
Defendant adds a new argument that this Court should recuse itself because "District  
Court Judge Wiese has twice demonstrated in his rulings that he is not capable of being  
fair and impartial in this matter." (See Motion at pg. 8) Defendant argues that the  
Court, in denying both his Writ and Motion to Modify, "pointed to the sentencing  
transcripts to provide that [Blockson] entered a plea voluntarily to willful animal

1 cruelty.” Further, Defendant alleges that this Court refused to acknowledge the law  
2 under *Edwards v. State*, and ignored the admonishment of rights for animal cruelty  
3 which “proved [Blockson] was maliciously prosecuted.” Further, Defendant argues that  
4 this Court apparently did not send Defendant a copy of the 4/14/21 Order, which  
5 Defendant alleges was in hopes that the 30 days for him to file a notice of appeal would  
6 lapse.

7 Additionally, Defendant requests that the District Attorney’s Office also recuse  
8 itself. Defendant argues that “everyone knows what’s going on [,][h]owever all officers  
9 of the court including the judge have turned a blind eye to the travesty and  
10 fundamental unfairness that is unfolding in their presence.” (See Motion at pg. 8).  
11 Defendant asserts, “We are here because of what the Chief Deputy District Attorney did  
12 and Judge Wiess is covering up.” *Id.* Finally, Defendant requests that, in addition to  
13 the recusals/removals, his sentenced be overturned and he be released from custody.

14 In Opposition, the State argues that Defendant’s claims regarding the felony  
15 being a misdemeanor and government misconduct are procedurally barred by the law  
16 of the case and res judicata. Defendant's claims regarding government misconduct and  
17 the charge being a misdemeanor have already been ruled on by the Court of Appeals of  
18 the State of Nevada on 3/5/21. More recently, when affirming this Court's denial of  
19 Defendant's Motion to Correct Illegal Sentence, the Court of Appeals held the  
20 description of the crime sufficient, and that "it is clear that Blockson pleaded guilty to,  
21 and was sentenced in accordance with, felony animal cruelty under NRS 74.100(6)(a)."

22 The State also argues that Defendant's claim is barred by res judicata. The  
23 decisions of the district court are final decisions absent a showing of changed  
24 circumstances, and relitigation of claims is barred by the doctrine of res judicata. See  
25 *Mason v. State*, 206 S.W.3d 869, 875 (Ark. 2005) (recognizing the doctrine's  
26 applicability in the criminal context); see also *York v. State*, 342 S.W. 528, 553 (Tex.  
27 Crim. Appl. 2011). Accordingly, by simply continuing to file motions with the same  
28 arguments, his motion is barred by the doctrines of the law of the case and res judicata.  
*Id.*; *Hall v. State*, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975). Defendant relitigates  
these same issues without presenting any changed circumstances. Thus, res judicata  
bars Defendant's claims regarding the representation of the statute and government  
conduct. Additionally, the claims Defendant seeks to litigate necessitate either a direct



1 appeal or a petition for writ of habeas corpus, and given that this motion constitutes  
2 neither of the two methods, this the State asks that the Court deny Defendant's motion.

3 With regard to Defendant's request that this Court recuse itself, the State argues  
4 that Defendant fails to substantiate a proper reason for the recusal. This Court ruling  
5 against Defendant is insufficient evidence to prove personal bias. Defendant  
6 additionally claims that the Court was "sitting on the order." This claim is belied by the  
7 record, as the order was filed on April 14, 2021. As Defendant presents no cognizable  
8 grounds for recusal, this Court should deny the Defendant's request for the Court's  
9 recusal.

10 As to Defendant's request that the District Attorney's Office be recused, the State  
11 argues that the legal standard required is impossible for Defendant to meet. And, while  
12 Defendant claims that the Clark County District Attorney's Office engaged in malicious  
13 prosecution, both this Court and the Court of Appeals for the State of Nevada rejected  
14 his arguments.

15 In Reply, Defendant states he filed the instant Motion so that his claims of  
16 outrageous government conduct/malicious prosecution could be heard. Defendant  
17 claims that he has "been stone-walled and silenced," and that the suggestion his claims  
18 should be dismissed is ludicrous. Moreover, Defendant states, "We all have the  
19 admonishment of rights for animal cruelty that is so damning that the Court and the  
20 DA can't even acknowledge its existence. Shame! You shame America and the State of  
21 Nevada." Further, Defendant agrees that there is nothing new in his argument, but  
22 states "only the evidence that the DA has ignored," and that he can challenge an illegal  
23 sentence at any time.

## 24 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

25 This Court finds and concludes that Defendant's Motion makes the exact same  
26 arguments as he previously raised in his post-conviction PWHC, and in his Motion to  
27 Modify or Correct Illegal Sentence. In all of his pleadings, Defendant claims that his  
28 sentence on Count 1 is illegal because Cruelty to Animals should have been punished as  
a misdemeanor rather than a Category D felony, and that the State "rewrote" the  
animal cruelty statute in all of their filed documents with malicious intent to prosecute.  
The Court notes that Defendant does not wish to withdraw his plea.

NRS 574.100 states in pertinent part the following:

**NRS 574.100 Torturing, overdriving, injuring or abandoning animals; failure to provide proper sustenance; requirements for restraining dogs and using outdoor enclosures; horse tripping; penalties; exceptions.**

1. A person shall not:

(a) Torture or unjustifiably maim, mutilate or kill:

(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat or dog;

....

6. A person who willfully and maliciously violates paragraph (a) of subsection 1:

(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

....

(NRS 574.100).

According to the Judgment of Conviction (Plea of Guilty), the Defendant was convicted of COUNT 1-CRUELTY TO ANIMALS (Category D Felony) in violation of NRS 574.100(1)(a).

In reviewing the Guilty Plea Agreement signed by the Defendant, and filed 12/21/18, it is clear that the Defendant was pleading guilty to COUNT 1- CRUELTY TO ANIMALS (Category D Felony – NRS 574.100.1a – NOC 55977), and the parties stipulated on Count 1 to a sentence of “nineteen (19) to forty-eight (48) months in the Nevada Department of Corrections.” (See GPA filed 12/21/18).

Most importantly, the Information filed 12/10/18, which was attached to the Guilty Plea Agreement, specifically alleged with regard to Count 1, that Defendant “did willfully, unlawfully, maliciously and feloniously torture or unjustifiably maim, mutilate or kill a Pit Bull dog, by shooting and/or stabbing and/or cutting said dog, and/or by failing to get medical treatment for said dog.” (See Information at pg. 2).

This Court previously found that the “willful and malicious” charging language was contained in the Information, and the Defendant clearly acknowledged that he was pleading to a category D felony in that regard. Additionally, there was a “stipulated sentence” of 19-48 months in prison relating to that charge.

When Mr. Blockson pled guilty, at the time of his arraignment, pursuant to the GPA, he was canvassed in part as follows:

1 All right. Before I can accept your plea of guilty, I have to go through the  
2 Information with you to make sure that there's a factual basis. It says on  
3 or about the fourth day of April 2018 in Clark County, Nevada, contrary to  
4 the laws of the State of Nevada, on Count One, you did willfully,  
5 unlawfully, maliciously and feloniously torture or unjustifiably maim,  
6 mutilate or kill a Pitbull dog by shooting or stabbing or cutting said dog  
7 and/or failing to get medical treatment for said dog.

8 Count Two, ownership or possession of a firearm by a prohibited person,  
9 you did willfully, unlawfully and feloniously own or have possession  
10 and/or under your custody or control a firearm, to wit, a Ruger .357  
11 revolver bearing serial number 575-15259, the Defendant being a  
12 convicted felon having in 1996 being -- been convicted of possession of a  
13 controlled substance with intent to sell in case C135719 in the Eighth  
14 Judicial Court, a felony under the laws of the State of Nevada.

15 Did you do those things?

16 THE DEFENDANT: Yes, sir.

17 (See Transcript of Hearing, December 21, 2018, at pgs. 7-8)

18 NRS 574.100(6) states in relevant part that a person who "willfully and  
19 maliciously" violates NRS 574.100(1)(a) "is guilty of a category D felony." The  
20 Petitioner's argument that he was not charged with a violation of NRS 574.100(1) is  
21 belied by the record, as the Information alleges this violation, and indicates that he was  
22 being charged with the Category D felony portion of the statute. This Court previously  
23 found that the Information complied with NRS 173.075.

24 At the time of his Arraignment, the Defendant was specifically asked if he had  
25 read and understood the Guilty Plea Agreement, as follows:

26 THE COURT: In looking at the Guilty Plea Agreement, it looks like you  
27 signed it on page 6, dated December 21; did you sign it today?

28 THE DEFENDANT: Yes, sir.

THE COURT: Did you have a chance to read it? Did you understand it  
before you signed it?

THE DEFENDANT: Yeah, I understood.

THE COURT: Okay. You had a chance to talk to Mr. Troiano about it and  
he answered any questions you had about it?

THE DEFENDANT: Who is that?

THE COURT: This attorney standing next to you.

THE DEFENDANT: Oh, yeah. I talked to him.

THE COURT: Do you understand that by signing the Guilty Plea  
Agreement you're agreeing that you read it and understood it; correct?

THE DEFENDANT: That's -- that's correct, sir.

THE COURT: You understand that by signing it you're giving up  
important Constitutional rights like right to go to trial, confront your  
accuser, to present evidence on your own behalf; do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Are you currently under the influence of any alcohol,  
3 medication, narcotics or any substance that might affect your ability to  
understand these documents or the process that we're going through?

4 THE DEFENDANT: No, sir.

5 THE COURT: Are you currently suffering from any emotional or physical  
distress that's caused you to enter this plea?

6 THE DEFENDANT: No, sir.

7 THE COURT: Do you understand that the range of punishment for this --  
these charges as to Count One, it's up to one to four years and up to  
\$5,000 fine, and Count Two is up to six years and up to a \$5,000 fine; do  
8 you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you understand that sentencing is strictly up to the  
Court, nobody can promise you probation, leniency or any special  
treatment?

11 THE DEFENDANT: I understand.

12 THE COURT: Do you have any questions that you want to ask of me, your  
attorney or the State before we go forward?

13 THE DEFENDANT: Are you the sentencing judge?

14 THE COURT: Am I what?

15 THE DEFENDANT: The sentencing judge --

16 THE COURT: I am in your case.

17 MR. TROIANO: Actually, yeah, he is.

18 THE COURT: And your case is assigned to Department 30, so I will be the  
sentencing judge, but only after you do a PSI.

19 THE DEFENDANT: All right.

20 THE COURT: Any other questions?

21 THE DEFENDANT: No, sir.

22 THE COURT: Has your attorney made any promises to you that are not  
contained in the Guilty Plea Agreement?

23 THE DEFENDANT: No.

24 THE COURT: Based on all the facts and circumstances, are you satisfied  
with the services of your attorney?

25 THE DEFENDANT: Yes.

26 (See Transcript from Arraignment, December 21, 2018, at pgs. 5-7).

27 As the Court of Appeals noted in its order, "the judgment of conviction contains  
28 a clerical error. A judgment of conviction must include sentencing statutes. NRS  
176.105(1)(c). Blockson's judgment of conviction did not refer to either NRS  
574.100(6)(a) or NRS 193.130(2)(d). However, a clerical error 'may be corrected by the  
court at any time.' NRS 176.565." (See Court of Appeals Order, at pg. 2). Because the  
arguments in the instant motion, (at least relating to overturning and vacating the  
Defendant's conviction), have already been addressed and affirmed by the Nevada

1 Court of Appeals, that Court's decision is the law of the case. This Court will comply  
2 with the Court of Appeals Remand, and an Amended Judgment of Conviction will be  
3 entered forthwith, including the appropriate sentencing statutes.

4 With regard to the Defendant's request to remove the District Attorney's Office  
5 from the case, the Court finds no basis for this request, and it is summarily denied.

6 With regard to the Defendant's request for "recusal" of Judge Wiese, this Court  
7 notes that, "A judge is presumed to be impartial, and the party asserting the challenge  
8 carries the burden of establishing sufficient factual grounds warranting  
9 disqualification." *Las Vegas Sands Corp. v. Eighth Jud. Dist. Ct.*, 2016 WL 2842901  
10 (unpublished, Nev. 2016), citing *Rippo v. State*, 113 Nev. 1239, 1248, 946 P.2d 1017,  
11 1023 (1997). "Nevada has two statutes governing disqualification of district court  
12 judges. NRS 1.230 lists substantive grounds for disqualification, and NRS 1.235 sets  
13 forth a procedure for disqualifying district court judges." *Towbin Dodge LLC v. Eighth  
14 Judicial Dist. Ct.*, 121 Nev. 251, 255, 112 P.3d 1063, 1066 (2005). NRS 1.230 reads as  
15 follows:

16 **NRS 1.230 Grounds for disqualifying judges other than Supreme  
17 Court justices or judges of the Court of Appeals.**

18 1. A judge shall not act as such in an action or proceeding when the judge  
19 entertains actual bias or prejudice for or against one of the parties to the action.

20 2. A judge shall not act as such in an action or proceeding when implied  
21 bias exists in any of the following respects:

22 (a) When the judge is a party to or interested in the action or proceeding.

23 (b) When the judge is related to either party by consanguinity or affinity  
24 within the third degree.

25 (c) When the judge has been attorney or counsel for either of the parties in  
26 the particular action or proceeding before the court.

27 (d) When the judge is related to an attorney or counselor for either of the  
28 parties by consanguinity or affinity within the third degree. This paragraph does  
not apply to the presentation of ex parte or uncontested matters, except in fixing  
fees for an attorney so related to the judge.

3. A judge, upon the judge's own motion, may disqualify himself or herself  
from acting in any matter upon the ground of actual or implied bias.

4. A judge or court shall not punish for contempt any person who proceeds  
under the provisions of this chapter for a change of judge in a case.

5. This section does not apply to the arrangement of the calendar or the  
regulation of the order of business.

NRS 1.235, which sets for the procedure for disqualifying a district court judge, reads in  
part as follows:

**NRS 1.235 Procedure for disqualifying judges other than Supreme Court justices or judges of the Court of Appeals.**

1. Any party to an action or proceeding pending in any court other than the Supreme Court or the Court of Appeals, who seeks to disqualify a judge for actual or implied bias or prejudice must file an affidavit specifying the facts upon which the disqualification is sought. The affidavit of a party represented by an attorney must be accompanied by a certificate of the attorney of record that the affidavit is filed in good faith and not interposed for delay. Except as otherwise provided in subsections 2 and 3, the affidavit must be filed:

(a) Not less than 20 days before the date set for trial or hearing of the case; or

(b) Not less than 3 days before the date set for the hearing of any pretrial matter.

2. Except as otherwise provided in this subsection and subsection 3, if a case is not assigned to a judge before the time required under subsection 1 for filing the affidavit, the affidavit must be filed:

(a) Within 10 days after the party or the party's attorney is notified that the case has been assigned to a judge;

(b) Before the hearing of any pretrial matter; or

(c) Before the jury is empaneled, evidence taken or any ruling made in the trial or hearing, whichever occurs first. If the facts upon which disqualification of the judge is sought are not known to the party before the party is notified of the assignment of the judge or before any pretrial hearing is held, the affidavit may be filed not later than the commencement of the trial or hearing of the case.

3. If a case is reassigned to a new judge and the time for filing the affidavit under subsection 1 and paragraph (a) of subsection 2 has expired, the parties have 10 days after notice of the new assignment within which to file the affidavit, and the trial or hearing of the case must be rescheduled for a date after the expiration of the 10-day period unless the parties stipulate to an earlier date.

4. At the time the affidavit is filed, a copy must be served upon the judge sought to be disqualified. Service must be made by delivering the copy to the judge personally or by leaving it at the judge's chambers with some person of suitable age and discretion employed therein.

5. Except as otherwise provided in subsection 6, the judge against whom an affidavit alleging bias or prejudice is filed shall proceed no further with the matter and shall:

(a) If the judge is a district judge, immediately transfer the case to another department of the court, if there is more than one department of the court in the district, or request the judge of another district court to preside at the trial or hearing of the matter;

(b) If the judge is a justice of the peace, immediately arrange for another justice of the peace to preside at the trial or hearing of the matter as provided pursuant to [NRS 4.032](#), [4.340](#) or [4.345](#), as applicable; or

(c) If the judge is a municipal judge, immediately arrange for another municipal judge to preside at the trial or hearing of the matter as provided pursuant to [NRS 5.023](#) or [5.024](#), as applicable.

6. A judge may challenge an affidavit alleging bias or prejudice by filing a written answer with the clerk of the court within 5 judicial days after the

1 affidavit is filed, admitting or denying any or all of the allegations contained in  
2 the affidavit and setting forth any additional facts which bear on the question of  
3 the judge's disqualification. The question of the judge's disqualification must  
4 thereupon be heard and determined by another judge agreed upon by the parties  
5 or, if they are unable to agree, by a judge appointed:

6 (a) If the judge is a district judge, by the presiding judge of the judicial  
7 district in judicial districts having more than one judge, or if the presiding judge  
8 of the judicial district is sought to be disqualified, by the judge having the  
9 greatest number of years of service;

10 (b) If the judge is a justice of the peace, by the presiding judge of the justice  
11 court in justice courts having more than one justice of the peace, or if the  
12 presiding judge is sought to be disqualified, by the justice of the peace having the  
13 greatest number of years of service;

14 (c) If the judge is a municipal judge, by the presiding judge of the municipal  
15 court in municipal courts having more than one municipal judge, or if the  
16 presiding judge is sought to be disqualified, by the municipal judge having the  
17 greatest number of years of service; or

18 (d) If there is no presiding judge, by the Supreme Court.

19 It should be noted that "a trial judge has a duty to sit and 'preside to the  
20 conclusion of all proceedings, in the absence of some statute, rule of court, ethical  
21 standard, or other compelling reason to the contrary," and "A judge shall hear and  
22 decide matters assigned to the judge except those in which disqualification is required."  
23 *Millen v. Eighth Judicial Dist Ct.*, 122 Nev. 1245, 1253, 148 P.3d 694 (2006). The  
24 Nevada Supreme Court has further held that "A judge is presumed to be unbiased, and  
25 generally, 'the attitude of a judge toward the attorney for a party is largely irrelevant.'"  
26 *Millen* at pg. 1254, citing *Las Vegas Downtown Redev. Agency v. Hecht*, 113 Nev. 632,  
27 635, 940 P.2d 127, 128 (1997). "The general rule of law is that what a judge learns in  
28 his official capacity does not result in disqualification." *Kirksey v. State*, 112 Nev. 980,  
923 P.2d 1102, citing to *Goldman v. Bryan*, 104 Nev. 644, 764 P.2d 1296 (1988).  
Additionally, "Because a judge is presumed to be impartial, 'the burden is on the party  
asserting the challenge to establish sufficient factual grounds warranting  
disqualification.'" *Ybarra v. State*, 127 Nev. 47, 51, 247 P.3d 269, 272 (2011), citing  
*Goldman v. Bryan*, 104 Nev. 644, 649, 764 P.2d 1296, 1299 (1988). Finally, the Court  
has indicated that "disqualification for personal bias requires 'an extreme showing of  
bias that would permit manipulation of the court and significantly impede the judicial  
process and the administration of justice.' Generally, disqualification for personal bias  
or prejudice or knowledge of disputed facts will depend on the circumstances of each  
case." *Millen* at pg. 1254-1255, citing *Hecht* at pg. 636.

1 In the Nevada Code of Judicial Conduct, some terms are defined. “Impartial” is  
2 one of those terms, and is defined as follows:

3 “Impartial,” “impartiality,” and “impartially” mean absence of bias or prejudice  
4 in favor of, or against, particular parties or classes of parties, as well as  
5 maintenance of an open mind in considering issues that may come before a  
6 judge.” (NCJC, Terminology).

7 Rule 1.2 indicates that “A judge shall act at all times in a manner that promotes  
8 public confidence in the independence, integrity, and impartiality of the judiciary and  
9 shall avoid impropriety and the appearance of impropriety.” (NCJC, Rule 1.2, Canon 1)

10 Rule 2.2 reads in part as follows:

11 **Rule 2.2. Impartiality and Fairness.** A judge shall uphold and apply the  
12 law, and shall perform all duties of judicial office fairly and impartially.

13 [1] To ensure impartiality and fairness to all parties, a judge must be  
14 objective and open-minded.

15 [2] Although each judge comes to the bench with a unique background and  
16 personal philosophy, a judge must interpret and apply the law without regard to  
17 whether the judge approves or disapproves of the law in question.

18 [3] When applying and interpreting the law, a judge sometimes may make  
19 good-faith errors of fact or law. Errors of this kind do not violate this Rule.

20 . . . .

21 (NCJC, Rule 2.2, Canon 2)

22 Rule 2.3 reads in part as follows:

23 **Rule 2.3. Bias, Prejudice, and Harassment.**

24 (A) A judge shall perform the duties of judicial office, including administrative  
25 duties, without bias or prejudice.

26 (B) A judge shall not, in the performance of judicial duties, by words or conduct  
27 manifest bias or prejudice, or engage in harassment, including but not  
28 limited to bias, prejudice, or harassment based upon race, sex, gender,  
religion, national origin, ethnicity, disability, age, sexual orientation, marital  
status, socioeconomic status, or political affiliation, and shall not permit  
court staff, court officials, or others subject to the judge’s direction and  
control to do so.

(C) A judge shall require lawyers in proceedings before the court to refrain from  
manifesting bias or prejudice, or engaging in harassment, based upon  
attributes including, but not limited to, race, sex, gender, religion, national  
origin, ethnicity, disability, age, sexual orientation, marital status,  
socioeconomic status, or political affiliation, against parties, witnesses,  
lawyers, or others.

(D) The restrictions of paragraphs (B) and (C) do not preclude judges or lawyers  
from making legitimate reference to the listed factors, or similar factors,  
when they are relevant to an issue in a proceeding.



(NCJC, Rule 2.3, Canon 2)

Rule 2.4 reads in part that “A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge’s judicial conduct or judgment.” (NCJC, Rule 2.4, Canon 2)

Rule 2.11(A) of the Nevada Rules of Judicial Conduct, indicates that “A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned. . .” (NCJC, Rule 2.11, Canon 2). The Comments to this rule contain the following statement: “Under this Rule, a judge is disqualified whenever the judge’s impartiality might reasonably be questioned, regardless of whether any of the specific provisions of paragraphs (A)(1) through (6) apply.”

In the case of *City of Las Vegas Downtown Redevelopment Agency v. Eighth Judicial Dist. Ct.*, 116 Nev. 640, 5 P.3d 1059 (2000), the Nevada Supreme Court addressed a request to recuse Judge Mark Denton from an eminent domain case. The Court referenced NCJC Canon 3(E)(1), which indicated that “A judge shall disqualify himself or herself in a proceeding in which the judge’s impartiality might reasonably be questioned, including but not limited to instances where: (a) the judge has a personal bias or prejudice concerning a party or a party’s lawyer, . . .” *Redevelopment Agency* at pg. 644. The Court went on to state the following, “[W]e have held that whether a judge’s impartiality can reasonably be questioned is an objective question that this court reviews as a question of law using its independent judgment of the undisputed facts. *Redevelopment Agency*, at pg. 644, citing *In re Varain*, 114 Nev. 1271, 1278, 969 P.2d 305, 310 (1998).

In *People for the Ethical Treatment of Animals (PETA) v. Bobby Berosini*, 111 Nev. 431, 894 P.2d 337 (1995), overruled on other grounds by *Towbin Dodge LLC v. Eighth Judicial Dist Court*, the Nevada Supreme Court similarly stated, “the test for whether a judge’s impartiality might reasonably be questioned is objective; whether a judge is actually impartial is not material.” *Berosini* at pg. 436. The Court referenced NCJC Canon 2, which provided that “a judge shall avoid impropriety and the appearance of impropriety in all of the judge’s activities,” and indicated that “the test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge’s ability to carry out judicial responsibilities with integrity,

1 impartiality and competence is impaired.” *Berosini* at pg. 435-436. The Court  
2 referenced 28 U.S.C. §455(a) a federal statute, designed to promote public confidence  
3 in the integrity of the judicial process, and referenced a case which indicated that “The  
4 goal of section 455(a) is to **avoid even the appearance of partiality.**” *Berosini* at  
5 pg. 436, (emphasis added), citing *Liljeberg v. Health Services Acquisition Corp*, 486  
6 U.S. 847, 108 S.Ct. 2094, 100 L.Ed.2d 855 (1988). Another federal court had stated,  
7 “Under §455(a) a judge has a continuing duty to recuse before, during, or, in some  
8 circumstances, after a proceeding, if the judge concludes that sufficient factual grounds  
9 exist to cause an objective observer reasonably to question the judge’s impartiality...  
10 The standard is purely objective. The inquiry is limited to outward manifestations and  
11 reasonable inferences drawn therefrom.” *Berosini*, at pg. 437, citing *United States v.*  
12 *Cooley*, 1 F.3d 985, 992-993 (10<sup>th</sup> Cir. 1993). The Court in *Berosini*, indicated that the  
13 question before the Court was “whether a reasonable person, knowing all the facts,  
14 would harbor reasonable doubts about Judge Lehman’s impartiality.” The Court  
15 concluded that they had to grant the motion to disqualify Judge Lehman, “to avoid  
16 even the appearance of impropriety and to promote public confidence in the integrity of  
17 the judicial process. We conclude that a reasonable person knowing all the facts, would  
18 harbor reasonable doubts about Judge Lehman’s impartiality.” *Berosini*, at pg. 438.

19 In another Nevada Supreme Court case, the Court stated, “remarks of a judge  
20 made in the context of a court proceeding are not considered indicative of improper  
21 bias or prejudice unless they show that the judge has closed his or her mind to the  
22 presentation of all the evidence.” *Schubert v. Eighth Judicial Dist. Ct.*, 128 Nev. 933,  
23 381 P.3d 660 (2012).

24 In the *Hecht* case, Hecht filed a motion to disqualify Justice Cliff Young from  
25 participating in an appellate decision, based on the argument that he allegedly  
26 harbored a bias against Hecht’s counsel, Kermitt Waters. This alleged bias stemmed  
27 from statements made by Justice Young during a Washoe County Bar Association  
28 Lunch, during a campaign, where Steve Jones was running against Justice Young.  
There were comments about campaign financing that Jones had received from Kermitt  
Waters, and Justice Young suggested that it appeared that Mr. Waters had exceeded  
the allowable limit of contributions to Judge Jones. Hecht argued that these  
statements “amounted to an accusation that Waters had committed a crime, and as

1 such [were] evidence of Justice Young’s actual or implied bias toward Waters.” *Hecht*  
2 at pg. 634.

3 The Court stated that it had “consistently held that the attitude of a judge toward  
4 the attorney for a party is largely irrelevant.” *Hecht* at pg. 635. The Court cited to its  
5 decision in *Ainsworth v. Combined Ins. Co.*, 105 Nev. 237, 259, 774 P.2d 1003, 1019  
6 (1989), in which the Court held that “generally, an allegation of bias in favor of or  
7 against counsel for a litigant states an insufficient ground for disqualification because it  
8 is not indicative of extrajudicial bias against the party.” The Court indicated that the  
9 purpose for that policy was that because Nevada is a small state, with a limited bar  
10 membership, it is “inevitable that frequent interactions will occur between the  
11 members of the bar and the judiciary.” *Hecht* at pg. 635-636. The Court further stated  
12 that “we continue to believe that to permit a justice or judge to be disqualified on the  
13 basis of bias for or against a litigant’s counsel in cases in which there is anything but an  
14 extreme showing of bias would permit manipulation of the court and significantly  
15 impede the judicial process and the administration of justice.” *Id.* While the Canon  
16 states that “a judge can be disqualified for animus toward an attorney, situations where  
17 such a disqualification has been found are exceedingly rare, and non-existent in  
18 Nevada.” *Id.*, citing Richard E. Flamm, *Judicial Disqualification* §4.4.4, at 124 (1996).  
19 Further, “To warrant judicial disqualification . . . the judge’s bias toward the attorney  
20 ordinarily must be extreme. Situations in which judges have manifested such extreme  
21 bias toward an attorney are exceedingly rare.” *Id.*

22 In *Hecht*, the Court cited to *Valladares v. District Court*, 112 Nev. 79, 910 P.2d  
23 256 (1996), in which Judge Connie Steinheimer’s campaign literature was very critical  
24 of then District Judge Lew Carnahan. Such letters made disparaging remarks about  
25 Carnahan’s ethics, honesty, and competency. Steinheimer won the election, and  
26 Carnahan appeared as an attorney for a party before her, and requested that she recuse  
27 herself. Steinheimer refused, and it was taken to the Supreme Court, which stated that  
28 “Judge Steinheimer does not possess an actual or apparent bias against Carnahan and  
therefore need not recuse herself.” *Hecht* at pg. 636, citing *Valladares* at 84.

The Court also cited to *Sonner v. State*, where a prosecutor represented a judge  
up to the day the prosecutor was to begin trying a death penalty case in front of the  
judge. The Court held that even though the prosecutor had represented the judge in an

1 unrelated matter, until the day before trial, “there was no reason to conclude that the  
2 attorney-client relationship between the judge and the prosecutor in any way affected  
3 the judge’s ability to be fair and impartial.” *Hecht* at pg. 636-637, citing *Sonner v.*  
4 *State*, 112 Nev. 1328, 930 P.2d 707 (1996).

5 The Court in *Hecht*, indicated that “the facts presented in the case at bar do not  
6 rise to anything near the level warranting Justice Young’s disqualification. The  
7 comments made by Justice Young were off-the-cuff remarks made during an election  
8 campaign; and they were not nearly as serious as those made in *Ainsworth* and  
9 *Valadares*, in which the judges made egregious remarks about counsel for a party, or  
10 the situation in *Sonner*. Justice Young’s comments were based upon the information  
11 he had received and merely suggested that Waters may have engaged in impropriety. . .  
12 .Justice Young’s remarks do not show evidence of a bias toward Waters that would  
13 mandate Justice Young’s disqualification in this matter.” *Hecht* at pg. 637. The Court  
14 concluded its opinion by stating that “Before a justice or judge can be disqualified  
15 because of animus toward a party’s attorney, egregious facts must be shown.” *Hecht* at  
16 pg. 638.

17 In *Ainsworth v. Combined Ins. Co. of America*, 105 Nev. 237, 774 P.2d 1003  
18 (1989), the Court addressed a motion requesting disqualification of former Chief  
19 Justice Gunderson. Combined argued that 1) he had a “disqualifying bias or prejudice  
20 for and against the litigants and their counsel;” 2) his impartiality was subject to  
21 question so as to create a “disqualifying appearance of impropriety;” and 3) his alleged  
22 partiality denied Combined its right to a fair hearing before an impartial tribunal. *Id.*,  
23 at 253. Combined argued that the appeal was handled in a manner contrary to the  
24 Court’s normal procedure, but the Court summarily concluded that the Court followed  
25 its normal procedure, and nothing relating to that issue demonstrated any prejudice,  
26 bias or appearance or impropriety stemming from an extrajudicial source. *Id.*, at 255-  
27 256. Combined argued that during oral argument, Gunderson “(1) ‘openly ridiculed’  
28 and was uncivil and hostile to Combined and its attorney; (2) ‘acted not as a member of  
an appellate court but as an advocate for the appellant’; (3) ‘expressed the opinion that  
Combined’s very policy was an act of bad faith;’ and (4) expressed an ‘animus’ that was  
not ‘confined to Combined and its counsel but seemingly reached the insurance  
industry as a whole.’” *Id.*, at 256. The Supreme Court apparently reviewed the

1 recording of the oral argument, and concluded that the arguments were legally  
2 insufficient to support the disqualification, but were also belied by the “tone, tenor and  
3 substance” of Justice Gunderson’s remarks. *Id.*, at pgs. 256-257. The Court held that  
4 his conduct was “well within the acceptable boundaries of courtroom exchange.” *Id.*, at  
5 257, citing *In re Drexel Burnham Lambert Inc.*, 861 F.2d 1307, 1316 (2<sup>nd</sup> Cir. 1988).  
6 The Court held that “Although he may have expressed strong views regarding the  
7 separate, additional facts in the record evidencing the oppressive nature of Combined’s  
8 conduct, his expression of those views at the oral argument exhibited no bias stemming  
9 from an extrajudicial source.” *Id.* at 257, citing *Goldman v. Bryan*, 104 Nev. 644, --, n.  
10 6, 764 P.2d 1296, 1301 (1988); and citing also to *In re Guardianship of Styer*, 24 Ariz.  
11 App. 148, 536 P.2d 717 (1975) “(Although a judge may have a strong opinion on merits  
12 of a cause or a strong feeling about the type of litigation involved, the expression of  
13 such views does not establish disqualifying bias or prejudice.)” Apparently Justice  
14 Gunderson made some comments about Combined and its counsel, which may have  
15 indicated a preconceived bias. The Court indicated that “although former Chief Justice  
16 Gunderson’s response candidly acknowledges that he harbored preconceived, negative  
17 impressions respecting the legal abilities of one of Combined’s counsel, his response  
18 also indicated that those impressions were based upon his perception of counsel’s prior  
19 ‘work product and performance in this court.’ Thus, those perceptions constitute  
20 neither an extrajudicial, nor a disqualifying bias.” *Id.*, at pg. 258, citing *Goldman v.*  
21 *Bryan*, 104 Nev. 644, 764 P.2d 1296 (1988); *In re Cooper* 821 F.2d 833, 838-42 (1<sup>st</sup> Cir.  
22 1987) (a judge is not required to ‘mince words’ respecting counsel who appear before  
23 him; it is a judge’s job to make credibility determinations, and when he does so, he does  
24 not thereby become subject, legitimately, to charges of bias.) The Court said, that to  
25 whatever extent “Gunderson’s response may evidence negative, personal impressions  
26 about Combined’s counsel, based upon counsel’s prior legal associations, his  
27 performance on the bar examination or his marital situation, those impressions were  
28 formed during the course of his judicial and administrative duties as a Justice and  
Chief Justice on this court.” *Id.*, at pg. 258, citing *United States v. Conforte*, 457  
F.Supp. 641, 657 (D.Nev. 1978) (where origin of judge’s impressions was inextricably  
bound up with judicial proceedings, judge’s alleged bias did not stem from an  
extrajudicial source), modified on other grounds, 624 F.2d 869 (9<sup>th</sup> Cir.), cert denied,

1 449 U.S. 1012, 101 S.Ct. 568, 66 L.Ed.2d 470 (1980). Finally, the Court stated that  
2 “those negative impressions extended only to counsel for the litigant involved, not to  
3 the litigant itself. Generally, an allegation of bias in favor of or against counsel for a  
4 litigant states an insufficient ground for disqualification because it is not indicative of  
5 extrajudicial bias against the party.” *Id.*, at pg. 259, citing *In re Petition to Recall*  
6 *Dunleavy*, 104 Nev. 784, 769 P.2d 1271, 1275, citing *Gilbert v. City of Little Rock, Ark.*,  
7 722 F.2d 1390, 1398-99 (8<sup>th</sup> Cir. 1983), cert denied, 466 U.S. 972, 104 S.Ct. 2347, 80  
8 L.Ed.2d 820 (1984); *Davis v. Board of School Com’rs of Mobile County*, 517 F.2d 1044,  
9 1050 (5<sup>th</sup> Cir. 1975). Ultimately, the Court found that there was no basis for  
disqualification of Justice Gunderson.

10 This Court acknowledges that several of the cases referenced herein, have been  
11 reversed or modified for various reasons. This Court believes, however, that the  
12 analysis contained in them is still good law, and is helpful and instructive in the present  
13 case. This Court further acknowledges that most of the cases cited herein dealt with the  
14 Nevada Code of Judicial Conduct which existed prior to the Code’s revision in 2009.  
15 The Revised Nevada Code of Judicial Conduct became effective January 19, 2010,  
16 containing somewhat different language, different section numbers, etc. This Court’s  
17 reliance on the above-referenced case law, is consistent with the Nevada Supreme  
18 Court’s recent reference to many of these same cases. In the unpublished case of  
19 *Mkhitaryan v. Eighth Judicial Dist. Ct.*, 2016 WL 5957647, 385 P.3d 48 (Nev., 2016,  
unpublished), the Nevada Supreme Court stated the following analysis:

20  
21 Rule 2.7 of the Nevada Code of Judicial Conduct (NCJC), provides that “[a]  
22 judge shall hear and decide matters assigned to the judge, except when  
23 disqualification is required by Rule 2.11 or other law.” Under Rule 2.11(A)(1) of  
24 the NCJC, judicial disqualification is required “in any proceeding in which the  
25 judge’s impartiality might reasonably be questioned, including when the judge  
26 has a personal bias or prejudice concerning a party.” See also NRS 1.230 (“A  
27 judge shall not act as such in an action or proceeding when the judge entertains  
28 actual bias or prejudice for or against one of the parties to the action.”). ***The test under the NCJC to evaluate whether a judge’s impartiality might reasonably be questioned is an objective one – whether a reasonable person knowing all of the facts would harbor reasonable doubts about the judge’s impartiality.*** See *Ybarra v. State*, 127 Nev. 47, 51, 247 P.3d 269, 272 (2011). Disqualification for personal bias requires an extreme showing of bias. *Millen v. Eighth Judicial Dist. Court*, 122 Nev. 1245, 1254, 148 P.3d 694, 701 (2006). Further, this court has generally recognized that bias must stem from an “extrajudicial source,” something other than what

1 the judge learned from his or her participation in the case. *Rivero v. Rivero*, 125  
2 Nev. 410, 439, 216 P.3d 213, 233 (2009), and that adverse judicial rulings during  
3 the proceedings are not a basis to disqualify a judge. *In re Petition to Recall  
Dunleavy*, 104 Nev. 784, 789, 769 P.2d 1271, 1275 (1988). . . .

4 *Id.*, (emphasis added).

5 In another recent Nevada Court of Appeals decision, also unpublished, the Court  
6 set forth the same test in determining whether disqualification was warranted. The  
7 Court of Appeals stated, “The test for whether a judge’s impartiality might reasonably  
8 be questioned is objective and disqualification is required when ‘a reasonable person,  
9 knowing all the facts, would harbor reasonable doubts about the judges impartiality.’”  
10 *Bayouth v. State*, 2018 WL 2489862 (Nev.Ct.of App., 2018, unpublished).

11 In *Ybarra v. State*, 127 Nev. 47, 247 P.3d 269 (2011), the Nevada Supreme Court  
12 again indicated that “the test for appearance of impropriety is whether the conduct  
13 would create in reasonable minds a perception that the judge’s ability to carry out  
14 judicial responsibilities with integrity, impartiality and competence is impaired.”  
15 *Ybarra* at pg. 50, citing NCJC Canon 2A. The Court went on to indicate that the issue  
16 that needed to be addressed was again, “**whether a reasonable person, knowing  
all the facts, would harbor reasonable doubts about the judge’s  
impartiality.**” *Ybarra* at pg. 51, (emphasis added), citing *PETA*, 111 Nev. at 438, 894  
17 P.2d at 341 (additional citations omitted). In *Ybarra*, the Court cited to *People v.*  
18 *Booker*, where the Defendant who was charged with a crime, argued that the judge  
19 should have been disqualified because he had represented the victim’s father in a  
20 divorce proceeding, and the appellate court could find no evidence in the record  
21 suggesting that the trial judge was biased against the defendant. 224 Ill.App.3d 542,  
22 166 Ill. Dec. 252, 585 N.E.2d 1274, 1284 (1992). Further, a judge in a small town, need  
23 not disqualify himself merely because he knows one of the parties. *Ybarra* at pg. 52,  
24 citing *Jacobson v. Manfredi*, 100 Nev. 226, 230, 679 P.2d 251, 254 (1984). In *Ybarra*,  
25 the Court concluded that the prior representation by Judge Dobrescue would not cause  
26 an objective person reasonably to doubt his impartiality. *Ybarra* at pg. 52.

27 This Court does not believe that any of the grounds set forth in NRS 1.230 apply,  
28 as this Court has no bias or prejudice against the Defendant, and no basis for a  
voluntary recusal. The Court is not sure whether the present Motion for Recusal of  
Judge Wiese was intended to be a Motion for Disqualification, pursuant to NRS 1.235,

1 as it was called a Motion for Recusal and not called a Motion for Disqualification. If it  
2 was intended to be a Motion for Disqualification under NRS 1.235, it is untimely  
3 pursuant to NRS 1.235(1), as the statute appears to only apply “pre-trial.” An  
4 “Affidavit,” as required by NRS 1.235 was not filed, nor served on the Court, and  
5 consequently, there appears to be no reason to “challenge an affidavit alleging bias or  
6 prejudice by filing a written answer with the clerk of the court within 5 judicial days  
7 after the affidavit is filed.” This Court does not believe that an objective person would  
8 reasonably doubt this Court’s impartiality, and consequently, the Court does not  
9 believe that recusal, or disqualification would be appropriate.

10 **CONCLUSION AND ORDER.**

11 Based upon the foregoing, and good cause appearing,

12 **IT IS HEREBY ORDERED** that the Defendant’s Motion to Overturn and  
13 Vacate Conviction for Outrageous Government Conduct and Recusal of Judge Wiese  
14 and District Attorney’s Office for Clark County, Nevada, is hereby **DENIED**.

15 The Court requests that Counsel for the State prepare and process a Notice of  
16 Entry of this Order.

17 Because this matter has been decided on the pleadings, the hearing set for  
18 October 5, 2021, will be taken “off calendar,” and consequently, there is no need that  
19 counsel or the parties appear.

20 Pursuant to the 8/30/21 Order of the Court of Appeals, an Amended Judgment  
21 of Conviction will be filed forthwith.

22 Because the Defendant’s Motion for Recusal could be construed as a Motion for  
23 Disqualification, this Order will also be submitted to the Chief Judge, and if she  
24 believes it should be considered a Motion for Disqualification, she may take whatever  
25 action in that regard she believes is appropriate.

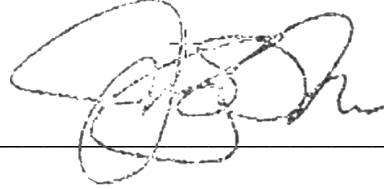
26 The Court further notes Defendant has filed a Motion and Order for  
27 Transportation of Inmate for Court Appearance or in the Alternative for Appearance by  
28 Telephone or Video Conference seeking personal appearance for the October 5, 2021,  
hearing. Said motion is set for hearing on October 7, 2021, at 8:30 AM.

Because the Motion to Overturn and Vacate Conviction for Outrageous  
Government Conduct and Recusal of Judge Wiese and District Attorney’s Office for  
Clark County, Nevada, has been decided without oral argument and the October 5,



1 2021, hearing was vacated, Defendant's Motion for Transportation of Inmate for Court  
2 Appearance or in the Alternative for Appearance by Telephone or Video Conference is  
3 hereby deemed **MOOT**. The hearing set for October 7, 2021, will be taken "off  
4 calendar," and consequently, there is no need for counsel or the parties appear.

5  
6 Dated this 4th day of October, 2021

7  
8 A handwritten signature in black ink, appearing to read 'J. Wiese', is written over a horizontal line.

9  
10 **83B 60D C216 2354**  
11 **Jerry A. Wiese**  
12 **District Court Judge**  
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1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 State of Nevada

CASE NO: C-18-336552-1

7 vs

DEPT. NO. Department 30

8 Christopher Blockson  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 10/4/2021

15 Jason Makris jason.makris@makrislegal.com

16 Steven Wolfson pdmotions@clarkcountyda.com

17 Trisha Garcia garciat@clarkcountycourts.us

18 Sandra Pruchnic pruchnics@clarkcountycourts.us

19 Michelle Ramsey ramseym@clarkcountycourts.us

20 Caesar Almase Caesar@almaselaw.com

21 Kimberly Farkas kimrcs@cox.net  
22  
23  
24  
25  
26  
27  
28

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 10, 2018**

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C-18-336552-1      State of Nevada  
                                 vs  
                                 Christopher Blockson

---

**December 10, 2018      10:00 AM      Initial Arraignment**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Lower Level Arraignment

**COURT CLERK:** Shannon Emmons

**RECORDER:** Trisha Garcia

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Blockson, Christopher	Defendant
	Dickerson, Michael	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Deputized Law Clerk, Yu Meng, present for the State. David Fischer, Esq. present on behalf of Michael Troiano, Esq. for the Deft.

Information FILED IN OPEN COURT.

Mr. Fischer requested matter be continued two (2) weeks as Mr. Troiano is in trial. State indicated Deft. waived up on a negotiation which expires today and stated a Guilty Plea Agreement can be drafted within two (2) days. State submits to the Court regarding how long to continue matter. Court indicated plea should be entered before Christmas. COURT ORDERED, matter CONTINUED.

BOND

12/21/2018 10:00 A.M. ARRAIGNMENT CONTINUED (LLA)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 21, 2018**

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C-18-336552-1      State of Nevada  
                                 vs  
                                 Christopher Blockson

---

**December 21, 2018      10:00 AM      Arraignment Continued**

**HEARD BY:** Wiese, Jerry A.      **COURTROOM:** RJC Lower Level Arraignment

**COURT CLERK:** Kristen Brown

**RECORDER:** Sandra Pruchnic

**REPORTER:**

**PARTIES**

**PRESENT:**      Blockson, Christopher      Defendant  
                                 Troiano, Michael      Attorney

**JOURNAL ENTRIES**

- Deputized Law Clerk Yu Meng appearing for the State.

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. BLOCKSON ARRAIGNED AND PLED GUILTY TO COUNT 1 - CRUELTY TO ANIMALS (F) and COUNT 2 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for SENTENCING. Court DIRECTED Deft. to report to P & P within 48 hours. Pursuant to negotiations, COURT FURTHER ORDERED, Count 3 is DISMISSED.

BOND

4/16/19 8:30 AM SENTENCING (DEPT. 30)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 09, 2019**

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C-18-336552-1      State of Nevada  
                                 vs  
                                 Christopher Blockson

---

**April 09, 2019      8:30 AM      Motion to Dismiss**

**HEARD BY:** Wiese, Jerry A.      **COURTROOM:** RJC Courtroom 14A

**COURT CLERK:** Vanessa Medina

**RECORDER:**

**REPORTER:** Kimberly Farkas

**PARTIES**

**PRESENT:**      Blockson, Christopher      Defendant  
                                 Getler, Stephanie M.      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- John Parris, Esq., on behalf of Michael Troiano, Esq., for Defendant.

Ms. Getler advised this was Ms. Ferreira's case and she did not have the case file. Mr. Parris requested a continuance for Mr. Troiano's presence. Defendant stated he did not want to file any motions, did not want to withdraw his plea, and did not want Mr. Troiano to speak on his behalf, however, wants to discuss bail. Defendant provided the Court letters of support to review before Sentencing. COURT ORDERED, matter CONTINUED and DIRECTED Mr. Troiano to speak with Defendant regarding any concerns. Mr. Parris advised he would inform Mr. Troiano of the Court's directives.

BOND

CONTINUED TO: 04/16/19 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 16, 2019**

C-18-336552-1      State of Nevada  
vs  
Christopher Blockson

**April 16, 2019****8:30 AM****All Pending Motions****HEARD BY:** Wiese, Jerry A.**COURTROOM:** RJC Courtroom 14A**COURT CLERK:** Vanessa Medina**RECORDER:****REPORTER:** Kimberly Farkas**PARTIES**

<b>PRESENT:</b>	Blockson, Christopher	Defendant
	Ferreira, Amy L.	Attorney
	State of Nevada	Plaintiff
	Troiano, Michael	Attorney

**JOURNAL ENTRIES**

- DEFENDANT'S PRO PER MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATIVE COUNSEL...SENTENCING

Mr. Troiano confirmed no issues pursuant to stockmeier and announced ready to proceed with Sentencing. DEFENDANT BLOCKSON ADJUDGED GUILTY of COUNT 1 - CRUELTY TO ANIMALS (F) and COUNT 2 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (F). Ms. Ferreira advised Defendant picked up a new case and provided such report to the Court. Defendant provided letters to the Court for review and made a statement. CONFERENCE AT THE BENCH.

Ms. Ferreira submitted on the negotiations. Argument by Mr. Troiano. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA analysis fee, including testing to determine genetic markers, \$3.00 DNA Collection fee, and \$250.00 Indigent Defense Civil Assessment fee, Defendant SENTENCED on COUNT 1 - to a MAXIMUM of FORTY- EIGHT (48) MONTHS and a MINIMUM of NINETEEN (19) MONTHS in the Nevada Department of Corrections

(NDC) and on COUNT 2 - to a MAXIMUM of SEVENTY- TWO (72) MONTHS and a MINIMUM of TWENTY- EIGHT (28) MONTHS in the NDC, CONSECUTIVE to COUNT 1, for an AGGREGATE total of a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY- SEVEN (47) MONTHS in the NDC with SEVENTY- FOUR (74) DAYS credit for time served. COURT FURTHER ORDERED, Count 3 - DISMISSED.

Mr. Troiano requested to withdraw as Counsel for any post conviction. Defendant had no objection. COURT ORDERED, Mr. Troiano WITHDRAWN. BOND, if any, EXONERATED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 23, 2019**

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C-18-336552-1      State of Nevada  
                                 vs  
                                 Christopher Blockson

---

**May 23, 2019      8:30 AM      All Pending Motions**

**HEARD BY:** Wiese, Jerry A.      **COURTROOM:** RJC Courtroom 14A

**COURT CLERK:** Vanessa Medina

**RECORDER:**

**REPORTER:** Kimberly Farkas

**PARTIES**

**PRESENT:**      Derjavina, Ekaterina      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- DEFENDANT'S PRO PER NOTICE OF APPEAL...DEFENDANT'S PRO PER MOTION TO APPOINT APPELLANT COUNSEL

Defendant not present. Ms. Derjavina advised Defendant was sentenced on 04/16/19, Michael Troiano withdrew and was now requesting new counsel for the purposes of appeal. Ms. Derjavina had no objection to the appointment of counsel. COURT ORDERED, Defendant's Motion to Appoint Appellant Counsel GRANTED; Ceasar Almase APPOINTED.

NDC

CLERK'S NOTE: Department XXX's Law Clerk informed Caesar Almase, Esq., of the appointment.  
//05/23/19 vm



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 07, 2021**

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C-18-336552-1      State of Nevada  
                                 vs  
                                 Christopher Blockson

---

**September 07, 2021      8:30 AM      Motion**

**HEARD BY:** Wiese, Jerry A.      **COURTROOM:** RJC Courtroom 14A

**COURT CLERK:** Lauren Kidd

**RECORDER:** Vanessa Medina

**REPORTER:**

**PARTIES**

**PRESENT:**      Botelho, Agnes M      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- State present via BlueJeans video conferencing. Defendant not present, in Nevada Department of Corrections.

Court advised this Court had not yet received a remittitur from the Appeals Court; therefore, this Court does not have jurisdiction to hear the motion yet. COURT ORDERED, matter CONTINUED for 30 days for the filing of a remittitur.

NDC

CONTINUED TO: 10/05/21 8:30 AM



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

CHRISTOPHER BLOCKSON #50821  
P.O. BOX 208  
INDIAN SPRINGS, NV 89070

DATE: October 14, 2021  
CASE: C-18-336552-1

**RE CASE:** STATE OF NEVADA vs. CHRISTOPHER BLOCKSON aka CHRISTOPHER LENARD BLOCKSON

NOTICE OF APPEAL FILED: October 13, 2021

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

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

☐

Case Appeal Statement

- NRAP 3 (a)(1), Form 2

☐

Order

☒

Notice of Entry of Order

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

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

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT  
DOCKET ENTRIES; ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

CHRISTOPHER BLOCKSON  
aka CHRISTOPHER LENARD BLOCKSON,

Defendant(s).

Case No: C-18-336552-1

Dept No: XXX

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 14 day of October 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk