

Electronically Filed
Jan 07 2022 04:28 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL L. COTA,

Appellant,

vs.

Case No. 2018-CR-00116
2018-CR-00116BD

THE STATE OF NEVADA,

Respondent,

RECORD ON APPEAL

VOLUME 4

COPIES OF ORIGINAL PLEADINGS
PAGES 449-537

MICHAEL L. COTA
INMATE #1206075
ELY STATE PRISON
P.O. BOX 1989
ELY, NEVADA 89301

IN PROPER PERSON

THE STATE OF NEVADA

DOUGLAS COUNTY DISTRICT ATTORNEY

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1 Case No. 2018-CR-00084/00116 ✓

2 Dept. No. II

RECEIVED

MAY 26 2021

Douglas County
District Court Clerk

FILED

2021 MAY 26 PM 3:37

BOBBIE R. WILLIAMS
CLERK

[Signature]
CLERK

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR
7 THE COUNTY OF DOUGLAS

9 THE STATE OF NEVADA,

10 Plaintiff,

RESPONSE TO

ORDER TO SHOW CAUSE

12 Vs.

14 MICHAEL LUIS COTA,

15 Defendant.

16 _____ /
17
18
19 Upon receiving this court's May 21, 2020 *Order Discharging Counsel and Ordering*
20 *Counsel to Provide Defendant with Case File*, counsel prepared a copy of Defendant Michael
21 Luis Cota's case file and mailed it via USPS to Defendant's last known residence at Ely State
22 Prison, Nevada.

23
24 See Exhibit 1: Photocopy receipts and receipts for USPS shipment to the State Prison
25 located in Ely, Nevada. (Counsel paid for signed confirmation for delivery as is reflected in the
26 receipt but did not receive delivery confirmation from the USPS).
27
28

1 Following preparation of Cota's file and its shipment, counsel received a phone call from
2 Mr. Cota apologizing for his previous motion to terminate counsel. He informed me that his sole
3 purpose was to obtain a copy of his file in preparation for upcoming parole hearings.

4 Counsel apologizes for his oversight in not responding to Mr. Cota's April 20th, 2021
5 motion.

6
7
8
9
10 DATED: 5-26-21

Respectfully submitted:

Malone

John E. Malone
1662 US Highway 395
Ste: 202
Minden, NV 89423
775-392-3342
Attorney for Defendant

11
12
13
14
15
16
17 Copies served by mail / hand delivered on May 26, 2021, addressed to:

18
19
20 Douglas County District Attorney's Office

(Hand Delivery)

21 P.O. Box 218

22 Minden, Nevada 89423

23
24 Michael Cota

(Mail)

25 Inmate Number # 1206075

26 Ely State Prison

27 P.O. Box 1989-5A41-ESP

28 Ely, Nevada 89301

RECEIVED

FILED

1 Case No. 2018-CR-00084/00116

MAY 28 2021

2 Dept. No. II

Douglas County
District Court Clerk

2021 MAY 28 AM 9:49

BOBBIE R. WILLIAMS
CLERK

BY C. Williams DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

ORDER DENYING MOTION TO COMPEL,
VACATING OSC HEARING

12 MICHAEL LUIS COTA,

13 Defendant.

14
15 THIS MATTER comes before the Court on Defendant's Motion to
16 Compel filed on April 23, 2021. The Court entered an Order to
17 Show Cause setting a hearing for June 7, 2021. On May 26, 2021,
18 Defendant's former counsel filed a Response to Order to Show Cause
19 adequately addressing the Motion to Compel and the Order to Show
20 Cause.

21 Good cause appearing, the Motion to Compel is denied and the
22 June 7th hearing is vacated.

23 IT IS SO ORDERED.

24 DATED this 28th day of May, 2021.

25
26 Thomas W. Gregory
27 THOMAS W. GREGORY
28 DISTRICT JUDGE

1 Copies served by mail/hand delivered on May 28th, 2021, addressed
2 to:

3 Douglas County District Attorney's Office (Hand Delivery)
4 P.O. Box 218
5 Minden, Nevada 89423

6 John Malone, Esq. (Hand Delivery)
7 1162 US Highway 395 N, Ste 202
8 Minden, Nevada 89423

9 Michael Cota (Mail)
10 Inmate Number #1206075
11 Ely State Prison
12 P.O. Box 1989-5A41-ESP
13 Ely, Nevada 89301

Erin C. Plante
Erin C. Plante

RECEIVED

JUL 28 2021

Douglas County
District Court Clerk

FILED

2021 JUL 28 AM 10:14

DOBBIE R. WILLIAMS
CLERK

9th JUDICIAL DISTRICT COURT
DOUGLAS COUNTY NEVADA
BY [Signature] DEPUTY

NAME, MICHAEL COTA

Plaintiff(s),

-vs-

NAME, STATE OF NEVADA

Defendant(s).

CASE NO.

18-CR-0116 ✓

18-CR-0084

MOTION FOR MODIFICATION OF SENTENCE

COMES NOW: PLAINTIFF, in PRO PER and herein above respectfully

Moves this Honorable Court for a ORDER TO MODIFY THE SENTENCES
IMPOSED ON OCTOBER 8, 2018.

The above is made and based on the following Memorandum of Points and Authorities.

B. NATURE OF THE CASE

Briefly state, in numbered paragraphs, the background facts of your case (you may attach additional pages, in necessary):

THIS MOTION IS MADE AND BASED PURSUANT TO THE SUPPORTING FACTS AND AUTHORITIES PROVIDED HERETO NRS 176.033 AND NRS 176.A.450 AS WELL AS ALL PAPERS AND PLEADING ASSOCIATED WITH THESE CASES. THE NEVADA SUPREME COURT HAS LONG RECOGNIZED THAT DISTRICT COURTS HAVE AUTHORITY AND JURISDICTION TO MODIFY A SENTENCE SEE: STALEY VS. STATE 787 P2d 396, 106 NEU 75. PLAINTIFF BELIEVES THAT THE COURT HAS, BASED UPON STALEY, THE JURISDICTION TO MODIFY AS HIS SENTENCE IS BASED UPON INFORMATION ILLEGALLY CONTAINED IN P.S.I. REPORT AND THEN AT SENTENCING THE JUDGE STATED HIS PRISON SENTENCE WAS BASED ON HIS JUVENILE RECORD. THIS COURT FIRST NEVER ENTERTAINED A MOTION TO ACCESS JUVENILE RECORDS AND THE P.S.I. REPORT CLEARLY STATED MR COTA'S JUVENILE RECORD WAS MINOR AND MAINLY CONSISTED OF NOT FOLLOWING RULES. MR COTA WAS A FIRST TIME ADULT OFFENDER AND HE WAS ONLY 19 YEARS OLD. PRISON TIME ITSELF WAS EXCESSIVE AND CONSECUTIVE TIME WAS AN ABUSE OF JUDICIAL POWER. IN ADDITION MR COTA HAS CHANGED HIS LIFE, HE WILL BE LIVING IN LAS VEGAS AT 1401 BRACKEN AVE 89106, HE WILL BE WORKING IN LAS VEGAS AT

1 ETHEL M. CHOCOLATES. HE HAS ALWAYS WANTED TO
2 LEARN ~~TO~~ DO AUTO BODY WORK. SO HE WILL BE
3 ATTENDING TRADE SCHOOL. MR COSTA HAS CHANGED
4 HIS VIEW OF LIFE AND ASKS THIS COURT FOR A SENTENCE
5 MODIFICATION OF 1-3 YEARS ON CASE 18-CR-0116.
6 MR ~~DON~~ COTA WILL NEVER RETURN TO THE DOUGLAS
7 COUNTY AREA. HE IS ASKING TO START HIS NEW LIFE.
8 ALL FINES AND COSTS WILL BE FULLY PAID PRIOR TO
9 MODIFICATION.
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24 Dated this 26th day of July, 2021.

25
26 By: MLCB-II
27
28

AFFIRMATION PURSUANT TO NRS 239B.030

I, MICHAEL COTA, NDOC# 1206075,

CERTIFY THAT I AM THE UNDERSIGNED INDIVIDUAL AND THAT THE
ATTACHED DOCUMENT ENTITLED MOTION FOR SENTENCE
MODIFICATION

DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER OF ANY
PERSONS, UNDER THE PAINS AND PENALTIES OF PERJURY.

DATED THIS 26th DAY OF July, 2021.

SIGNATURE: M. J. Cota II

INMATE PRINTED NAME: MICHAEL COTA

INMATE NDOC # 1206075

INMATE ADDRESS: ELY STATE PRISON
P. O. BOX 1989
ELY, NV 89301

VERIFICATION

Under penalty of perjury, the undersigned declares that he is the Plaintiff in the foregoing complaint and knows the contents thereof; that the pleading is true and of his own knowledge, except as to those matters stated on information and belief, and as to such matters he believes them to be true. I further verify that the foregoing pleading is true and correct, and is made under penalty of perjury without benefit of notary pursuant to NRS 208.165, as I am an incarcerated person.

Dated this 20th day of July, 2021.

x MLCota

MICHAEL COTA #1206075
ELY STATE PRISON
P.O. BOX 1989
Ely, NV. 89301
Plaintiff In Pro Se

FILED

Case No. 2018-CR-00116

Dept. No. II

RECEIVED

2021 AUG 12 AM 8:52

AUG 12 2021

BODDIE R. WILLIAMS
CLERK

Douglas County
District Court Clerk

[Signature]
DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

THE STATE OF NEVADA,

Plaintiff,

vs.

ORDER

MICHAEL LUIS COTA,

Defendant.

THIS MATTER comes before the Court on Defendant's Motion for
Modification of Sentence filed on July 28, 2021. The Motion has
not been served on the State.

Defendant shall serve a conforming copy of the Motion on the
District Attorney and file proof of service with the Court no
later than September 12, 2021. Failure to comply will result in

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1 denial of the Motion. Upon service being made in the timeframe
2 provided, the Motion will be heard in the normal course.

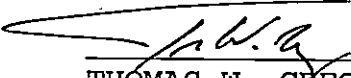
3 IT IS SO ORDERED.

4 DATED this 12th day of August, 2021.

5

6

7


THOMAS W. GREGORY
DISTRICT JUDGE

8

9

Copies served by mail/hand delivery on August 12th, 2021,
addressed to:

10

Michael Cota

(Mail)

11

#1206075

12

Ely State Prison

13

P.O. Box 1989

Ely, Nevada 89301

14

Douglas County District Attorney's Office

(Hand Delivery)


15

1038 Buckeye Road

Minden, Nevada 89423

16

17


Erin C. Plante

18

19

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22

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RECEIVED

AUG 16 2021

Douglas County
District Court Clerk

NINTH JUDICIAL DISTRICT COURT

DOUGLAS COUNTY NEVADA

FILED

2021 AUG 16 AM 10:57

BOBBIE R. WILLIAMS
CLERK

MICHAEL COTA

CASE NO's

18 CR-0084

PLAINTIFF

BY 18 CR-0116

VS

STATE OF NEVADA

Defendant

MOTION TO HOLD JOHN MALONE IN CONTEMPT

THIS COURT ISSUED AN ORDER TO Counsel to turn over ALL CASE RECORDS TO MR COTA, AS OF THIS DATE HE HAS FIRST WITHHELD PART OF THE CASE FILE AND ON MAY 26, 2021 HE FILED A RESPONSE TO THIS COURT'S ORDER TO SHOW CAUSE. IN HIS RESPONSE HE ADMITS THAT HE ONLY SENT COPIES AND HAS RETAINED THE ORIGINAL (PLEASE SEE pg 1 LINES 20 & 21.) AS THIS COURT IS WELL AWARE RULES OF THE NEVADA SUPREME COURT CLEARLY STATE THAT ONCE A ATTORNEY IS DISCHARGED HE MUST IMMEDIATELY PROVIDE TO HIS CLIENT ALL DOCUMENTS, PLEADINGS, EXHIBITS, ITEMS OF PROPERTY WHICH RELATE TO THE CLIENT'S CASE. MR MALONE IS IN VIOLATION OF THIS RULE AND IS IN CONTEMPT OF THIS COURT'S ORDER. HIS OWN WORDS IN HIS RESPONSE PLACE HIM IN VIOLATION. NRS 1.210 DEALS IN THIS COURT'S NOT ONLY AUTHORITY BUT RESPONSIBILITY TO ENFORCE ITS RULINGS.

1 MR MALONE IS NOW IN CONTEMPT OF COURT AS OUTLINED
2 IN NRS 199.340, WHICH STATES A PERSON IS GUILTY
3 OF CONTEMPT FOR "WILLFUL DISOBEDIENCE TO A LAWFUL
4 PROCESS OR MANDATE OF THE COURT."
5 IN CLOSING BY JOHN MALONE'S RETAINING MR COTAS
6 FILE HE HAS DISPLAYED CONTEMPT. MR COTA
7 REFERS THE COURT TO IN RE YOUT 93 AZ 322, 380 P2d
8 1780 AND STALEY VS. ALVEY 524 P2d 747 AND
9 IN RE SULLIVAN 510 P2d 1199. ALL THESE CASES
10 DEAL WITH ATTORNEYS WHO VIOLATE COURT ORDERS.
11 THIS IS A SERIOUS ISSUE AND THIS COURT MUST
12 RESOLVE IT.

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23
24 Dated this 13th day of August, 2021

25
26 By: MR COTA II

AFFIRMATION

Pursuant to NRS 239b.030

The undersigned does hereby affirm that the preceding document,

MOTION TO HOLD JOHN MALONE IN CONTEMPT

18CR-0084 (Title of Document)
Filed in case number: 18CR-0116

☒ Document does not contain the social security number of any person

Or

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

☐ A Specific state or federal law, to wit

Or

☐ For the administration of a public program

Or

☐ For an application for a federal or state grant

Or

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230, and NRS 125b.055)

DATE: August 13, 2024

X M. L. Cota II
(Signature)

MICHAEL COTA
(Print Name)

Pro Se
(Attorney for)

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VERIFICATION

Under penalty of perjury, the undersigned declares that he is the Plaintiff in the foregoing complaint and knows the contents thereof; that the pleading is true and of his own knowledge, except as to those matters stated on information and belief, and as to such matters he believes them to be true. I further verify that the foregoing pleading is true and correct, and is made under penalty of perjury without benefit of notary pursuant to NRS 208.165, as I am an incarcerated person.

Dated this 13th day of August, 2021.



MICHAEL COTA # 1206075
ELY STATE PRISON
P.O. BOX 1989
Ely, NV. 89301
Plaintiff In Pro Se

463

RECEIVED

SEP 23 2021

MEMORANDUM OF POINTS AND AUTHORITIES

Douglas County
District Court Clerk

NINTH JUDICIAL DISTRICT COURT

DOUGLAS COUNTY NEVADA

2021 SEP 23 11:10:06

DOBBIE R. WILLIAMS
CLERK

BY  DEPUTY

MICHAEL COTA

CASE NO:

petitioner

18-CR-0084

vs

18-CR-0116

STATE OF NEVADA

18-CR-00084B

Respondent

18-CR-00116B

MOTION FOR ORDER FOR Complete Docket SHEET

MR COTAS REQUESTS TO THE CLERK OF COURTS
FOR THESE DOCKET SHEETS HAVE BEEN IGNORED.
MR COTA NEEDS These Docket Sheets FOR
FEDERAL LITIGATION. IN ADDITION MR COTA WAS
ONLY AWARE OF CASES 18-CR-0084 AND 18-CR-0116
THE OTHER TWO CASE NUMBERS ARE A MYSTERY AND
NEED TO BE IMMEDIATELY RESEARCHED

DATED THIS 21ST DAY OF September 2021

X 

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding complaint does not contain the social security number of any person.

Dated this 21st day of September, 2021.

Michael Cota

MICHAEL COTA #1206075
ELY STATE PRISON
P.O. BOX 1989
Ely, NV. 89301
Plaintiff In Pro Se

RECEIVED

SEP 23 2021

Douglas County
District Court Clerk

FILED

MEMORANDUM OF POINTS AND AUTHORITIES

2021 SEP 23 AM 10:06

BOBBIE R. WILLIAMS
CLERK

NINTH JUDICIAL DISTRICT COURT

DOUGLAS COUNTY NEVADA

BY [Signature] DEPUTY

MICHAEL COTA

CASE NO's

PETITIONER

18-CR-0084

VS

18-CR-0116

STATE OF NEVADA

RESPONDENT

REQUEST FOR SUBMISSION OF PLEADING

IT IS REQUESTED THAT THE PLEADING ENTITLED MOTION
TO VACATE ILLEGAL SENTENCE FILED ON AUGUST 5, 2021
IN THE ABOVE ENTITLED ACTIONS BE SUBMITTED TO THE
COURT FOR DECISION.

DATED THIS 21ST DAY OF SEPTEMBER 2021

X [Signature]

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding complaint does not contain the social security number of any person.

Dated this 21ST day of September, 2021.

x M. Alamo

MICHAEL COTA # 1206075
ELY STATE PRISON
P.O. BOX 1989
Ely, NV. 89301
Plaintiff In Pro Se

RECEIVED
MEMORANDUM OF POINTS AND AUTHORITIES
FILED

SEP 27 2021

Douglas County
District Court Clerk

Douglas County Nevada

BOBBIE R. WILLIAMS
CLERK

DEPUTY

MICHAEL COTA

DIAMANTE

US

✓ 18-CR-0084 ADULT
✓ 18-CR-0116 ADULT

Juvenile Court RECORDS

STATE OF NEVADA

Defendant

MOTION TO SUBMIT FOR DECISION

APPROX 6 WEEKS AGO MR COTA FILED A REQUEST FOR

HIS JUVENILE COURT DOCKET SHEET. MR COTA HAS

NOT RECEIVED IT NOR NOTIFICATION THAT THE COURT

EVEN RECEIVED HIS REQUEST. THIS DOCKET SHEET

IS NEEDED AS AN EXHIBIT IN THE 9TH CIRCUIT COURT

OF APPEALS. Please Plead on My Motion

IATED this 22ND DAY OF September 2021

X M. Williams

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding complaint does not contain the social security number of any person.

Dated this 22ND day of September, 2024.



MICHAEL COTA #1206075
ELY STATE PRISON
P.O. BOX 1989
Ely, NV. 89301
Plaintiff In Pro Se

1
2 **RECEIVED**

3 SEP 27 2021

4 Douglas County
District Court Clerk

MEMORANDUM OF POINTS AND AUTHORITIES

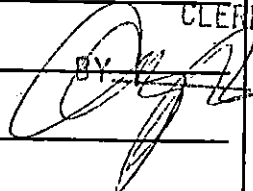
FILED

2021 SEP 27 AM 10:48

NINTH JUDICIAL DISTRICT COURT

DOUGLAS COUNTY NEVADA

BOBBIE R. WILLIAMS
CLERK

BY  DEPUTY

6 MICHAEL COTA

7 PLAINTIFF

8 VS

9 STATE OF NEVADA

10 Defendant

CASE NO'S


✓ 18-CR-0084

✓ 18-CR-0116

12 MOTION TO SUBMIT FOR DECISION

14 APPROX 6 WEEKS AGO MR COTA FILED A REQUEST TO
15 COMPEL JOHN MALONE TO PROVIDE HIM ALL CASE RECORDS
16 IN HIS POSSESSION. MR MALONE HAS HAD NO INVOLVEMENT
17 WITH MR COTA FOR OVER A YEAR, IS NO LONGER ATTORNEY
18 OF RECORD. NRS 7.055 AND NEV SUP CT Rule 166(4)
19 GIVE MR COTA ABSOLUTE RIGHT TO THESE RECORDS.
20 THIS MUST BE SUBMITTED FOR DECISION.

22 DATED THIS 22ND DAY OF SEPTEMBER 2021

24 X 

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding complaint does not contain the social security number of any person.

Dated this 22nd day of SEPTEMBER, 2021.

MICHAEL COTA #1206075
ELY STATE PRISON
P.O. BOX 1989
Ely, NV. 89301
Plaintiff In Pro Se

RECEIVED

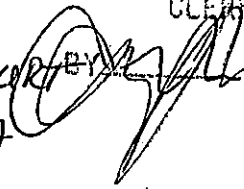
OCT 12 2021

Douglas County
District Court Clerk

FILED

2021 OCT 12 AM 9:52

BOBBIE R. WILLIAMS
CLERK

91R JUDICIAL DISTRICT COURT BY  DEPUTY
DOUGLAS COUNTY NEVADA

NAME, MICHAEL COTA

Plaintiff(s),

-vs-

NAME, STATE OF NEVADA

Defendant(s).

CASE NO.

18-CR-0084

18-CR-0116

MOTION TO VACATE ILLEGAL SENTENCE

COMES NOW, PLAINTIFF in PRO PER and herein above respectfully

Moves this Honorable Court for a ORDER TO VACATE THE ILLEGAL
SENTENCE ENTERED IN THIS CASE.

The above is made and based on the following Memorandum of Points and Authorities.

B. NATURE OF THE CASE

Briefly state, in numbered paragraphs, the background facts of your case (you may attach additional pages, in necessary):

ON MR COTAS Guilty plea AGREEMENT, SENTENCING TRANSCRIPTS AND JUDGMENT OF CONVICTION IT STATES MR COTA WAS FOUND GUILTY OF A VIOLATION OF NRS 205.226 AND NRS 195.020 AND HIS CHARGE (SINGULAR) BEING PRINCIPAL TO GRAND LARCENY OF A FIREARM. THE ILLEGALITY IS NEVADA STATUTE HAS NO SUCH CHARGE. NRS 205.226 IS GRAND LARCENY OF A FIREARM. THE ELEMENTS ARE A PERSON WHO INTENTIONALLY STEALS, TAKES AND CARRIES AWAY A FIREARM OWNED BY ANOTHER PERSON COMMITS GRAND LARCENY OF A FIREARM. NRS 195.020 DEALS WITH A SEPERATE CHARGE OF BEING A "PRINCIPAL" TO ANY FELONY OR MISDEMEANOR. THIS IS AIDING AND ABETTING. THE STATE TOOK THESE SEPERATE NRS AND ILLEGALLY COMBINED THEM BASICALLY CHARGING MR COTA WITH STEALING A FIREARM YET HELPING SOMEONE ELSE STEAL IT. THIS COURT HAD NO JURISDICTION TO JUST MAKE UP A CHARGE THAT DOES NOT COMPORT TO STATUTE, NOR DID THIS COURT HAVE JURISDICTION TO ACCEPT A PLEA ON AN ILLEGAL CHARGE. THE CHARGE SIMPLY DOES NOT EXIST. THIS COURT CAN NOT JUSTIFY OR COVER UP THIS ILLEGALITY AS IT APPEARS ON MULTIPLE COURT DOCUMENTS. MR COTA ASSERTS

1 THAT THE SOLE REASON FOR THESE ILLEGAL CHARGES
2 IS THE FACT THAT NEVER WAS A GUN FOUND, NEVER
3 WAS THE GUN EVER, BY EVIDENCE, PLACED IN MR
4 COTAS POSSESSION. NEVER DID ANYONE COME FORWARD
5 TO SAY MR COTA SOLD THEM FOR WEAPONS. IT APPEARS
6 THE STATE, BECAUSE OF A LACK OF EVIDENCE, CREATED
7 A NEW NRS AND A NEW CHARGE. JUST THE DEFINITIONS
8 SHOW THE STATE DID NOT KNOW IF MR COTA STOLE THE
9 GUN, HELPED SOMEONE ELSE STEAL IT OR HAD ABSOLUTELY
10 NO INVOLVEMENT. AN ILLEGAL SENTENCE IS A VERY
11 SERIOUS VIOLATION OF DUE PROCESS AND EQUAL
12 PROTECTION. THIS IS YET ANOTHER EXAMPLE OF
13 DOUGLAS COUNTY'S CONTEMPT FOR CIVIL RIGHTS.
14 THIS SENTENCE IS ILLEGAL AND AS SUCH THIS CASE
15 BECOMES A PERFECT EXAMPLE OF FALSUS-IN-UNO-
16 DOCTRINE, FALSE IN ONE FALSE IN ALL.

23
24 Dated this 6th day of October, 2021.

26 By: M. J. [Signature]

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP Rule 5 (b), I hereby certify that I am the Petitioner/Defendant named herein
and that on this 6th day of OCTOBER, 2021, I mailed a true and correct copy of this
foregoing MOTION TO Correct ILLEGAL Sentence to the following:

DOUGLAS County DISTRICT ATTORNEY
P.O. BOX 218
MINDEN, NV 89423

BY: M. H. H. II

1 Case No. 2018-CR-00084/00084B/00116/00116B

2 Dept. No. II

RECEIVED

OCT 15 2021

Douglas County
District Court Clerk

FILED

2021 OCT 15 AM 10:29

BOBBIE R. WILLIAMS
CLERK

BY  DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

ORDER REGARDING MOTION FOR
COMPLETE DOCKET SHEET

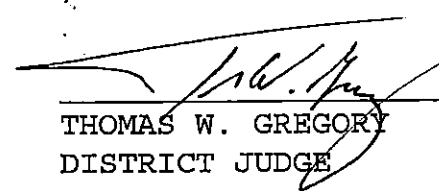
12 MICHAEL LUIS COTA,

13 Defendant.

14
15 THIS MATTER comes before the Court on Defendant's Motion for
16 Complete Docket Sheet filed on September 23, 2021. Good cause
17 appearing, the Clerk of the Court shall provide Defendant with the
18 complete docket sheet for each case.

19 IT IS SO ORDERED.

20 DATED this 14th day of October, 2021.

21
22 
23 THOMAS W. GREGORY
24 DISTRICT JUDGE
25
26
27
28

1 Copies served by mail/hand delivered on October 15th, 2021,
2 addressed to:

3 Douglas County District Attorney's Office (Hand Delivery)
4 1038 Buckeye Road
5 Minden, Nevada 89423

6 Michael Cota (Mail)
7 #1206075
8 Ely State Prison
9 P.O. Box 1989
10 Ely, Nevada 89301

11 Office of the Attorney General (Mail)
12 100 N. Carson Street
13 Carson City, Nevada 89701

14 Erin C. Plante
15 Erin C. Plante
16
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1 Case No. 2018-CR-00116

RECEIVED

FILED

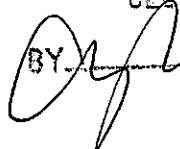
2 Dept. No. II

OCT 15 2021

2021 OCT 15 AM 10:34

3 Douglas County
4 District Court Clerk

BOBBIE R. WILLIAMS
CLERK

BY  DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

ORDER DENYING MOTION TO HOLD
JOHN MALONE IN CONTEMPT

12 MICHAEL LUIS COTA,

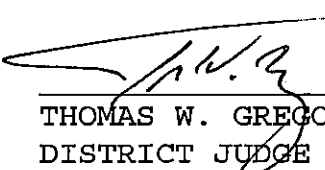
13 Defendant.
14 _____/

15 THIS MATTER comes before the Court on Defendant's Motion to
16 Hold John Malone in Contempt filed on August 16, 2021. Defendant
17 failed to serve the motion on the State and/or Mr. Malone.
18 Defendant does not sufficiently state grounds for contempt.

19 Defendant's Motion to Hold John Malone in Contempt is DENIED
20 on procedural and substantive grounds.

21 IT IS SO ORDERED.

22 DATED this 14th day of October, 2021.

23
24 
25 THOMAS W. GREGORY
26 DISTRICT JUDGE
27
28

1 Copies served by mail/hand delivery on October 15th, 2021,
2 addressed to:

3
4 Douglas County District Attorney's Office (Hand Delivery)
5 1038 Buckeye Road
6 Minden, Nevada 89423

7 Michael Cota (Mail)
8 #1206075
9 Ely State Prison
10 P.O. Box 1989
11 Ely, Nevada 89301

12 John Malone, Esq. (Mail)
13 Malone Law
14 1601 Fairview Drive, Suite H
15 Carson City, NV 89701
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Erin C. Plante
Erin C. Plante

Case No. 2018-CR-00084/00116

Dept. No. II

RECEIVED

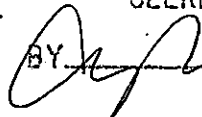
OCT 15 2021

Douglas County
District Court Clerk

FILED

2021 OCT 15 AM 10:39

BOBBIE R. WILLIAMS
CLERK

BY  DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

THE STATE OF NEVADA,
Plaintiff,

vs.

MICHAEL LUIS COTA,
Defendant.

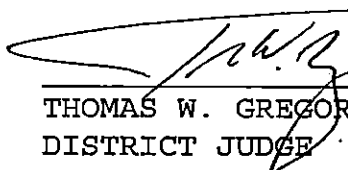
ORDER DENYING MOTION FOR
MODIFICATION OF SENTENCE

THIS MATTER comes before the Court on Defendant's Motion to
Modify Sentence filed on July 28, 2021. The Court ordered
Defendant to serve the State and file proof of service. Order,
August 12, 2021. To date, Defendant has not filed proof of
service.

Defendant's Motion to Modify Sentence is DENIED.

IT IS SO ORDERED.

DATED this 14th day of October, 2021.


THOMAS W. GREGORY
DISTRICT JUDGE

1 Copies served by mail/hand delivery on October 15th, 2021,
2 addressed to:

3 Douglas County District Attorney's Office (Hand Delivery)
4 1038 Buckeye Road
5 Minden, Nevada 89423

6 Michael Cota (Mail)
7 #1206075
8 Ely State Prison
9 P.O. Box 1989
10 Ely, Nevada 89301

Erin C. Plante
Erin C. Plante

1 Case No. 2018-CR-00084/2018-CR-00116

2 Dept. No. II

3 RECEIVED

4 OCT 15 2021

5 Douglas County
District Court Clerk

FILED

2021 OCT 15 PM 4:29

BOBBIE R. WILLIAMS
CLERK

BY *C. Williams* DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS

8
9 STATE OF NEVADA,

10 Plaintiff,

11 vs.

CERTIFICATE OF SERVICE

12 MICHAEL L COTA,

13 Defendant.

14

15 Pursuant to NRCP 5(b), I certify that I am an employee of the
16 Douglas County District Court Clerk's Office and that on this day
17 I deposited for mailing with the United States Postal Service, a
18 true copy of the COMPLETE DOCKET SHEET FOR 2018-CR-00084 AND 2018-
19 CR-00116 addressed to Michael Cota, #1206075 Ely State Prison,
20 P.O. Box 1989, Ely, NV 89301.

21 DATED this 15th day of October 2021.

22

23


24

25

26

27

28


CLERK OF THE COURT

C. Williams
DEPUTY CLERK

Douglas County District Attorney
1038 Buckeye Road
Minden, NV 89423
(775) 782-9800 Fax (775) 782-9807

RECEIVED

FILED

Case No. 18-CR-0084 / 18-CR-0116

OCT 20 2021

2021 OCT 20 PM 12:58

Dept No. II

Douglas County
District Court Clerk

BOBBIE R. WILLIAMS
CLERK

DA 0011011

BY  DEPUTY

This document does not contain personal information of any person

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

THE STATE OF NEVADA,

Plaintiff,

v.

MICHAEL LUIS COTA, JR.,

Defendant.

**OPPOSITION TO MOTION TO
VACATE ILLEGAL SENTENCE**

The State of Nevada, by and through Matthew S. Johnson, Deputy District Attorney for the Douglas County District Attorney's Office opposes the Defendant's motion to Vacate Illegal Sentence. This opposition is based on the following points and authorities as well as all other documents on file with this Court.

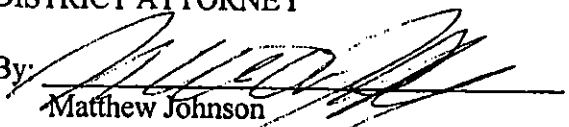
A motion to correct an illegal sentence may only be granted when the sentence is "at variance with the controlling sentencing statute," or 'illegal' in the sense that the court goes beyond its authority by acting without jurisdiction or imposing a sentence in excess of the statutory maximum provided." *Haney v. State*, 124 Nev. 408, 411, 185 P.3d 350, 352 (2008) (citing *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996) (quoting *Allen v. United States*, 495 A.2d 1145, 1149 (D.C.Cir.1985) (quoting *Prince v. United States*, 432 A.2d 720, 721 (D.C.Cir.1981) and *Robinson v. United States*, 454 A.2d 810, 813 (D.C.Cir.1982))). "A motion to correct an illegal sentence presupposes a valid conviction and may not, therefore, be used to challenge alleged errors in proceedings that occur prior to the imposition

1 of sentence." *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Defendant has
2 failed to demonstrate that his conviction is at variance with the controlling sentencing statute or
3 illegal in the sense that it goes beyond the Court's authority. "The common law distinction
4 between principals in the first and second degree has been abrogated by NRS 195.020; and a
5 principal may be either the person who 'directly commits the act constituting the offense' (the
6 perpetrator) or one who 'aid or abets in its commission' or who 'counsels, encourages, hires,
7 commands, induces or otherwise procures another to commit [a crime].'" *Batt v. State*, 111
8 Nev. 1127, 1131, 901 P.2d 664, 666 (1995).

9 The Defendant's motion must be denied.

10 DATED this 13 day of October, 2021.

11
12 MARK B. JACKSON
DISTRICT ATTORNEY

13 By: 
14 Matthew Johnson
15 Deputy District Attorney
16 1038 Buckeye Road
17 Minden, NV 89423
18 (775) 782-9800

Douglas County District Attorney
1038 Buckeye Road
Minden, NV 89423
(775) 782-9800 Fax (775) 782-9807

Douglas County District Attorney
1038 Buckeye Road
Minden, NV 89423
(775) 782-9800 Fax (775) 782-9807

1 Case No. 18-CR-0084

2 Dept No. II

3 DA 0011011

4 This document does not contain personal information of any person

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IN THE JUSTICE COURT OF TAHOE TOWNSHIP
IN THE COUNTY OF DOUGLAS, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

MICHAEL LUIS COTA, JR.,

Defendant.

CERTIFICATE OF SERVICE

Pursuant to NRCPP 5(b), I certify that I am an employee of the District Attorney for
Douglas County, Nevada, and that I deposited for delivery a true copy of Guilty Plea
Agreement

addressed to:

Michael Luis Cota, Jr. #1206075
Ely State Prison
PO Box 1989
Ely, Nevada 89301

- ☒ U.S. Mail
☐ Reno/Carson Messenger
☐ Hand Delivery
☐ By placing a copy in the pick-up folder in the District Attorney's Office.

DATED this 20th day of October, 2021.

RECEIVED

OCT 28 2021

Douglas County
District Court Clerk

FILED

2021 OCT 28 PM 3:05

BOBBIE R. WILLIAMS
CLERK

DEPUTY

NINTH JUDICIAL DISTRICT COURT
DOUGLAS COUNTY NEVADA

NAME, STATE OF NEVADA

Plaintiff(s),

-vs-

NAME, MICHAEL LUIS COTA

Defendant(s).

CASE NO.

18-CR-0084.

18-CR-0116 ✓

1

MOTION TO HOLD John MALONE IN
CONTEMPT. / SHOW CAUSE

COMES NOW, MICHAEL COTA, in PRO PER and herein above respectfully

Moves this Honorable Court for a ORDER OF CONTEMPT AGAINST John
MALONE FOR VIOLATING THIS COURT'S ORDER OF
May 21, 2020, TO PRODUCE MR COTA'S Complete Case FILE

The above is made and based on the following Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

ON May 21, 2020 THIS COURT ORDERED ATTY John MALONE TO PROVIDE TO MR COTA HIS ENTIRE CASE FILE. MR MALONE HAS NOT COMPLIED. ON MAY 26, 2021 MR MALONE FILED A RESPONSE TO ORDER TO SHOW CAUSE. HE PROVIDED EXHIBITS OF PHOTO COPIES OF SEVERAL SHIPPING RECEIPTS IN THE FOLLOWING AMOUNTS: \$74.98, \$35.05, \$63.92, \$30.35 and .32¢ WHICH TOTAL \$204.62. MR COTA DID NOT RECEIVE ALL OF THESE DELIVERIES, IT IS RIDICULOUS AND A MISREPRESENTATION TO THE COURT. THIS COURT CAN EASILY VERIFY THIS THROUGH THE ELY STATE PRISON AS ALL LEGAL MAIL IS LOGGED. MR COTA WOULD ALSO POINT OUT TO THE COURT THAT THESE RECEIPTS ARE FROM CARSON CITY AND RENO, ALL ON THE SAME DAY JUST HOURS APART. THE 2 RENO RECEIPTS ARE FROM DIFFERENT LOCATIONS. LOGIC WOULD STATE THAT IF IN FACT MR MALONE HAD 4 BOXES TO SHIP TO MR COTA HE WOULD HAVE TAKEN THEM INTO ONE FED EX OFFICE AND SHIPPED THEM NOT TRAVELED TO 3 DIFFERENT LOCATIONS IN 2 CITIES. MR MALONE HAS PROVIDED FALSE INFORMATION TO THIS COURT, HE IS IN FACT IN VIOLATION OF THIS COURT'S MAY 21, 2020 COURT ORDER AND SHOULD BE HELD IN CONTEMPT. PLEASE SEE EXHIBIT ONE

DATED THIS 21ST DAY OF OCTOBER 2021

x M2 Cota II

AFFIRMATION

Pursuant to NRS 239b.030

The undersigned does hereby affirm that the preceding document, MOTION TO HOLD

JOHN MALONE IN CONTEMPT

(Title of Document)

Filed in case number: CR 18-CR-0084 18-CR-0116

☐ Document does not contain the social security number of any person

Or

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

☐ A Specific state or federal law, to wit

Or

☐ For the administration of a public program

Or

☐ For an application for a federal or state grant

Or

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230, and NRS 125b.055)

DATE: OCTOBER 21, 2021

X MICHAEL COTA II
(Signature)

MICHAEL COTA
(Print Name)

DRO Se'
(Attorney for)

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP Rule 5 (b), I hereby certify that I am the Petitioner/Defendant named herein
and that on this 21ST day of OCTOBER 2021, I mailed a true and correct copy of this
foregoing MOTION TO HOLD JOHN MALONE IN to the following:

CONTEMPT

JOHN E. MALONE

1662 U.S. Hwy 395 STE: 202

MINDEN, NV 89423

DOUGLAS County DISTRICT ATTY

P.O. Box 218

MINDEN NV 89423

BY: MJ Cota #

EXHIBIT ONE

EXHIBIT ONE

RECEIVED

FILED

Case No. 2018-CR-00084/00116

MAY 26 2021

2021 MAY 26 PM 3:37

Dept. No. II

Douglas County
District Court Clerk

BOBBIE R. WILLIAMS
CLERK

K. WILFERT DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR
THE COUNTY OF DOUGLAS

THE STATE OF NEVADA,

Plaintiff,

RESPONSE TO

ORDER TO SHOW CAUSE

Vs.

MICHAEL LUIS COTA,

Defendant.

Upon receiving this court's May 21, 2020 *Order Discharging Counsel and Ordering Counsel to Provide Defendant with Case File*, counsel prepared a copy of Defendant Michael Luis Cota's case file and mailed it via USPS to Defendant's last known residence at Ely State Prison, Nevada.

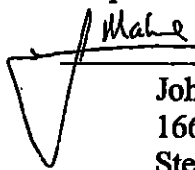
See Exhibit 1: Photocopy receipts and receipts for USPS shipment to the State Prison located in Ely, Nevada. (Counsel paid for signed confirmation for delivery as is reflected in the receipt but did not receive delivery confirmation from the USPS).

1 Following preparation of Cota's file and its shipment, counsel received a phone call from
2 Mr. Cota apologizing for his previous motion to terminate counsel. He informed me that his sole
3 purpose was to obtain a copy of his file in preparation for upcoming parole hearings.

4 Counsel apologizes for his oversight in not responding to Mr. Cota's April 20th, 2021
5 motion.

6
7
8
9 Respectfully submitted:

10 DATED: 5-26-21


John E. Malone
1662 US Highway 395
Ste: 202
Minden, NV 89423
775-392-3342
Attorney for Defendant

11
12
13
14
15
16 Copies served by mail / hand delivered on May 26, 2021, addressed to:

17
18
19 Douglas County District Attorney's Office

(Hand Delivery)

20 P.O. Box 218

21 Minden, Nevada 89423
22

23 Michael Cota

(Mail)

24 Inmate Number # 1206075

25 Ely State Prison

26 P.O. Box 1989-5A41-ESP

27 Ely, Nevada 89301
28

1 Case No. 2018-CR-00084/00116

2 Dept. No. II

RECEIVED

MAY 26 2021

Douglas County
District Court Clerk

FILED

2021 MAY 26 PM 3:36

BOBBIE R. WILLIAMS
CLERK

K. WILBERT DEPUTY

3
4
5 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN
6 AND FOR THE COUNTY OF DOUGLAS
7
8
9

10 THE STATE OF NEVADA,

11 Plaintiff,

AFFIDAVIT OF ATTORNEY JOHN E. MALONE

12 IN SUPPORT OF THE RESPONSE TO ORDER

13 TO SHOW CAUSE

14 vs.

15
16 MICHAEL LUIS COTA,

17 Defendant
18
19

20 I, the undersigned, Attorney John Malone, former counsel for Michael Luis Cota, hereby
21 affirms under the penalty of perjury the following:
22

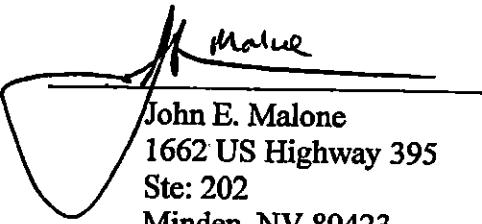
23 1. I was formerly the counsel for Michael L. Cota.
24

25 2. I was relieved as counsel by court order and directed to provide Mr. Cota with a copy of
26 his file. See exhibit 1, Receipt for file copies and postage.
27

28 3. I removed Mr. Cota's file from its binders and removed all index markers.

1. 4. I then made copies of all documents in my possession and mailed them to Ely State
2. Prison, Mr. Cota's last known address.
3. 5. Later, during a telephone call with Mr. Cota from Ely State Prison, I was able to confirm
4. that he had received his file.
5.

6. DATED: 5-26-21
7.


John E. Malone
1662 US Highway 395
Ste: 202
Minden, NV 89423
775-392-3342
Attorney for Defendant

8.
9.
10. Copies served by mail / hand delivered on May 26, 2021, addressed to:
11.
12.

13. Douglas County District Attorney's Office
14.
15.

(Hand Delivery)

16. P.O. Box 218
17.

18. Minden, Nevada 89423
19.

20. Michael Cota
21.

(Mail)

22. Inmate Number # 1206075
23.

24. Ely State Prison
25.

26. P.O. Box 1989-5A41-ESP
27.

28. Ely, Nevada 89301
29.



June 05, 2020 11:58
Receipt #: 0777424055
VISA #: XXXXXXXXXXXX1634
2020/06/05 11:25

Page: 1

Qty	Description	Amount
536	ES B&W S/S White 8.5 x11	69.68
SubTotal		69.68
Taxes		5.30
Total		74.98

The Cardholder agrees to pay the Issuer of the charge card in accordance with the agreement between the Issuer and the Cardholder.

1426 E. William St.
Carson City, NV 89701
(775) 886-6099
www.FedExOffice.com

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\$5 off your next \$30 print order
at fedex.com/wellsten or 1-800-398-0242
Offer Code: _____ Offer expires 12/31/2020

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495



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for printing and shipping.

1426 E William St
Carson City, NV 89701
Tel: (775) 886-6099

6/5/2020 12:02:27 PM PST
Team Member: SAMANTHA L.

SALE

ES Paper Pastl/Astro	15 @	0.0200 T
002586 Reg. Price	0.02	
Regular Total	0.30	
Discounts	0.00	
Total	0.30	

Sub-Total	0.30
Tax	0.02
Deposit	0.00
Total	0.32

***** PURCHASE *****
APPROVED

Total: \$0.32

Card Type: VISA

Card Entry: CHIP

Acct #: *****1634

Approval Code: 023021

***** EMV PURCHASE *****

App Label: VISA DEBIT

Mode: Issuer

ATN: A00000000021010

Cota

STEAMBOAT
75 MCCABE DR
RENO, NV 89511-9998
317289-0680
(800)275-8777
06/05/2020 04:34 PM

Product	Qty	Unit Price	Price
PM 3-Day	1	\$27.20	\$27.20
(Domestic)			
(ELY, NV 89301)			
(Weight:13 Lb 5.0 Oz)			
(Expected Delivery Day)			
(Tuesday 06/09/2020)			
(USPS Tracking #)			
(9510 8100 5091 0157 7564 20)			
Insurance			\$0.00
(Up to \$50.00 included)			
Sign Conf			\$3.15
Total:			\$30.35

Debit Card Remit'd	\$30.35
(Card Name:VISA)	
(Account #:XXXXXXXXXXXX1634)	
(Approval #)	
(Transaction #:632)	
(Receipt #:040005)	
(Debit Card Purchase:\$30.35)	
(Cash Back:\$0.00)	
(AID:A0000000980840	Chip)
(AL:US DEBIT)	
(PIN:Verified)	

Due to limited transportation
availability as a result of
nationwide COVID-19 impacts
package delivery times may be
extended. Priority Mail Express®
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OCT 28 2021

Douglas County
District Court Clerk

2021 OCT 28 PM 3:09

BOBBIE R. WILLIAMS
CLERK

DEPUTY

NINTH JUDICIAL DISTRICT COURT
DOUGLAS County NEVADA

NAME, MICHAEL COTA

Plaintiff(s),

-VS-

NAME, STATE OF NEVADA

Defendant(s).

CASE NO.

18-CR-0084

18-CR-0116 ✓

NOTICE OF APPEAL

COMES NOW, Michael COTA, in PRO PER and herein above respectfully

Moves this Honorable Court for a NOTICE OF APPEAL OF THIS Courts
DENIAL OF MOTION TO HOLD JOHN MALONE IN Contempt
When HE CLEARLY IS IN VIOLATION OF THIS Courts
ORDER OF May 21, 2020.

The above is made and based on the following Memorandum of Points and Authorities.

DATED THIS 20TH DAY OF OCTOBER 2021

x M Cota /

RECEIVED

NOV 08 2021

Douglas County
District Court Clerk

FILED

2021 NOV -8 AM 11:48

IN THE NINTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF DOUGLAS

BOBBIE R. WILLIAMS
CLERK

MICHAEL COTA
Petitioner/Plaintiff,

v.

STATE OF NEVADA
Respondent/Defendant

Case No. 18-CR-0084
18-CR-0116

Dept. No. _____

Docket No. _____

PREEMPTORY CHALLENGE OF JUDGE

COMES NOW, Petitioner/Plaintiff, MICHAEL COTA, pro per,
and in Forma Pauperis, pursuant to Supreme Court Rule 48.1, wishes to exercise the right to change Judge.

The current Judge in the above-entitled action is THOMAS GREGORY.

DATED this 28th day of OCTOBER, ~~200~~ 2021

Respectfully submitted

[Signature]
Petitioner/Plaintiff

AFFIRMATION

Pursuant to NRS 239b.030

The undersigned does hereby affirm that the preceding document, _____

PREMPTORY CHALLENGE OF JUDGE

(Title of Document)

Filed in case number: 18-CR-0084

18-CR-0116

☒ Document does not contain the social security number of any person

Or

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

☐ A Specific state or federal law, to wit

Or

☐ For the administration of a public program


Or

☐ For an application for a federal or state grant

Or

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230, and NRS 125b.055)

DATE: OCTOBER 28, 2021


(Signature)

MICHAEL COTA
(Print Name)

PRO Se'
(Attorney for)

1 Case No. 2018-CR-00084/2018-CR-00116 ✓

2 Dept. No. II

RECEIVED

NOV 10 2021

Douglas County
District Court Clerk

FILED

2021 NOV 10 PM 3:33

BOBBIE R. WILLIAMS
CLERK

BY  DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF DOUGLAS

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

ORDER DENYING MOTION
TO CHANGE VENUE

12 MICHAEL COTA,

13 Defendant.

14

15 THIS MATTER comes before the Court on Defendant's Motion to
16 Change Venue filed in each of the above cases. Defendant did not
17 serve the State. These are criminal cases wherein judgments of
18 conviction have already been entered and for which the Court has
19 entered multiple orders. There is no legal authority for a change
20 of venue and Defendant cites none.

21 Defendant's Motion to Change Venue is DENIED.

22 IT IS SO ORDERED.

23 DATED this 16th day of November, 2021.

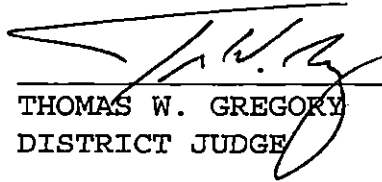
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THOMAS W. GREGORY
DISTRICT JUDGE

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7 #1206075
8 Ely State Prison
9 P.O. Box 1989
10 Ely, Nevada 89301

Erin C. Plante
Erin C. Plante

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1 Case No. 2018-CR-00084/2018-CR-00116

2 Dept. No. II

RECEIVED

NOV 10 2021

Douglas County
District Court Clerk

FILED

2021 NOV 10 PM 3:33

BOBBIE R. WILLIAMS
CLERK

BY *[Signature]* DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.)

12 MICHAEL COTA,

13 Defendant.

ORDER DENYING MOTION TO HOLD
COUNSEL IN CONTEMPT AND
DIRECTING COUNSEL TO RESEND
PORTIONS OF CASE FILE

14
15 THIS MATTER comes before the Court on Defendant's Motion to
16 hold John Malone in Contempt/Show Cause filed in each of the above
17 cases.

18 On May 21, 2020 the Court entered an Order Discharging
19 Counsel and Ordering Counsel to Provide Defendant with Case File.

20 On April 23, 2021, Defendant filed a Motion to Compel
21 requesting that his former counsel surrender the case file to
22 Defendant pursuant to the May 21, 2020 order.

23 On May 19, 2021, the Court entered an Order to Show Cause
24 directing Defendant's former counsel to appear and show cause as
25 to why he should not be held in contempt for violating the May 21
26 order. The Court indicated that the hearing would be vacated if
27 Defendant's former counsel provided Defendant with the case file
28 and provided proof with supporting affidavits and exhibits.

1 On May 26, 2021, Defendant's former counsel filed a *Response*
2 *to Order to Show Cause* with a supporting affidavit and exhibit.
3 Counsel attested to having mailed the case file to Defendant.
4 Further, Defendant confirmed receipt of the file in a subsequent
5 phone call. On May 28, 2021, the Court entered an *Order Denying*
6 *Motion to Compel, Vacating OSC Hearing*.

7 On August 16, 2021, Defendant filed a *Motion to Hold John*
8 *Malone in Contempt*. Therein, Defendant alleged his former counsel
9 only sent Defendant "copies" of the case file and retained the
10 "originals" in violation of an unspecified Supreme Court Rule.
11 Defendant also claimed that former counsel withheld parts of the
12 file.

13 On October 15, 2021, the Court entered an *Order Denying*
14 *Motion to Hold John Malone in Contempt*. The denial was based on
15 procedural and substantive grounds.

16 On October 28, 2021, Defendant filed the pending, second
17 successive *Motion to hold John Malone in Contempt/Show Cause*.
18 Defendant claims he did not receive "all of the deliveries"
19 represented by his former counsel to have been sent. Defendant
20 does not specify what he is missing and his motion is not
21 supported by affidavit or declaration. NJDCR 6, 7.

22 Motions once heard and disposed of may not be reheard in the
23 absence of leave of court. DCR 13. The motion is subject to
24 denial on this basis alone. Additionally, former counsel's
25 affidavit filed on May 26, 2021, reflects that former counsel sent
26 the complete file to Defendant and Defendant acknowledged receipt.
27 It is not a basis for contempt that Defendant may not have
28 received everything.

1 Defendant's second Motion to hold John Malone in
2 Contempt/Show Cause is DENIED. However, John Malone, Esq,
3 Defendant's prior counsel, shall communicate with Defendant
4 regarding the case file, resend portions of the file Defendant
5 claims not to have received and file proof with the Court.

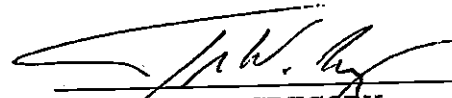
6 IT IS SO ORDERED.

7 DATED this 10th day of November, 2021.

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THOMAS W. GREGORY
DISTRICT JUDGE

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19

Michael Cota (Mail)
#1206075
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301

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21

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John Malone, Esq. (Mail)
Malone Law
1601 Fairview Drive
Suite H
Carson City, Nevada 89701

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Erin C. Plante

1 Case No. 2018-CR-00084/2018-CR-00116

2 Dept. No. II

FILED

2021 NOV 10 PM 3:34

3 RECEIVED

4 NOV 10 2021

DOUGLAS R. WILLIAMS
CLERK

BY  DEPUTY

5 Douglas County
District Court Clerk

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF DOUGLAS

8
9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

ORDER DENYING MOTION
TO VACATE SENTENCE

12 MICHAEL COTA,

13 Defendant.

14

15 THIS MATTER comes before the Court on Defendant's Motion to
16 Vacate Illegal Sentence filed in each of the above cases. The
17 State filed an opposition on October 20, 2021. Defendant did not
18 file a reply.

19 In each case, Defendant has pursued a direct appeal, post-
20 conviction writ relief, and multiple other motions contesting his
21 sentences. In the pending motions, Defendant asks to vacate his
22 "illegal" sentences on the basis that a charge he pled guilty to
23 in 2018-CR-00084, Principal to Grand Larceny of a Firearm,
24 referred to both NRS 205.226 (Grand Larceny of a Firearm) and NRS
25 195.020 (Principals).

26 A motion to correct an illegal sentence may only be granted
27 when the sentence is "at variance with the controlling sentencing
28 statute,' or 'illegal' in the sense that the court goes beyond

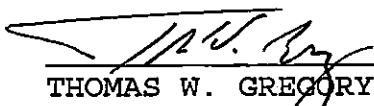
1 its authority by acting without jurisdiction or imposing a
2 sentence in excess of the statutory minimum provided." *Haney v.*
3 *State*, 124 Nev. 408, 411 (2008) (citing *Edwards v. State*, 112 Nev.
4 704, 708 (1996) (internal quotations omitted). "A motion to
5 correct an illegal sentence presupposes a valid conviction and may
6 not, therefore, be used to challenge alleged errors in proceedings
7 that occur prior to the imposition of sentence." *Edwards*, 112
8 Nev. at 708.

9 Defendant has not demonstrated that his sentences are at
10 variance with controlling sentencing statutes or were entered
11 beyond the Court's authority. The potential penalty for aiding
12 and abetting a crime is no different from the potential penalty
13 for directly committing the same crime. NRS 195.020; *Batt v.*
14 *State*, 111 Nev. 1127, 1131 (1995). Defendants other claims are
15 not properly pursued by way of a motion to correct an illegal
16 sentence.

17 Defendant's Motion to Vacate Illegal Sentence is DENIED.

18 IT IS SO ORDERED.

19 DATED this 10th day of November, 2021.

20
21 
22 THOMAS W. GREGORY
23 DISTRICT JUDGE
24
25
26
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28

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7 #1206075
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10 Ely, Nevada 89301

Erin C. Plante
Erin C. Plante

Case No. 2018-CR-00084/2018-CR-00116

Dept. No. II

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NOV 10 2021

Douglas County
District Court Clerk

FILED

2021 NOV 10 PM 3:34

BOBBIE R. WILLIAMS
CLERK

BY  DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

THE STATE OF NEVADA,

Plaintiff,

vs.

MICHAEL COTA,

Defendant.


ORDER DENYING
PEREMPTORY CHALLENGE

THIS MATTER comes before the Court on Defendant's Preemptory Challenge of Judge filed in each of the above cases. These are criminal cases wherein judgments of conviction have already been entered and for which the Court has entered multiple orders. SCR 48.1, cited by Defendant, is inapplicable.

Defendant's Preemptory Challenge of Judge is DENIED.

IT IS SO ORDERED.

DATED this 10th day of November, 2021.


THOMAS W. GREGORY
DISTRICT JUDGE

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6 Michael Cota (Mail)
7 #1206075
8 Ely State Prison
9 P.O. Box 1989
Ely, Nevada 89301

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11 Erin C. Plante
Erin C. Plante

FILED Form 2. Case Appeal Statement

No. 2018-GR-00116
2021 NOV 15 AM 9:48

Dept. No. II

BOBBIE R. WILLIAMS
CLERK

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE
OF NEVADA IN AND FOR THE COUNTY OF DOUGLAS

BY Michael Cota DEPUTY

MICHAEL COTA,

Appellant,

vs

WARDEN, N.D.O.C.
THE STATE OF NEVADA,

Respondent.

CASE APPEAL STATEMENT

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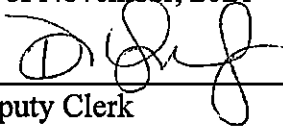
NOV 15 2021

Douglas County
District Court Clerk

1. Name of appellant filing this case appeal statement:
Michael Cota.
2. Identify the judge issuing the decision, judgment, or order appealed from:
Honorable Thomas W. Gregory.
3. Identify each appellant and the name and address of counsel for each appellant:
Michael Cota #1206075, Ely State Prison, P.O Box 1989, Ely, NV 89301- In Proper Person.
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):
The State of Nevada, represented by the Douglas County Attorney's Office, P.O. Box 218, Minden, NV 89423.
5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):
N/A.
6. Indicate whether appellant was represented by appointed or retained counsel in the district court: The defendant was originally appointed John Malone, the Court discharged John Malone on 5/21/2020. The defendant is now representing himself, pro per.
7. Indicate whether appellant is represented by appointed or retained counsel on appeal:
Unrepresented.
8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:
The appellant has not been granted leave to proceed in forma pauperis.
9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed): The information was filed on 7/25/2018.

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the court: The defendant is appealing the Court's Order Denying Motion to Hold John Malone in Contempt entered on 10/15/2021.
11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:
No. 83663 and 83521
12. Indicate whether this appeal involves child custody or visitation:
No.
13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:
No.

Dated this 15th day of November, 2021



Deputy Clerk
P.O. Box 218
Minden, Nevada 89423
775-782-9820

IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK

MICHAEL LUIS COTA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

RECEIVED

NOV 17 2021

Douglas County
District Court Clerk

Supreme Court No. 83775
District Court Case No. 18-CR-00084, 18-CR-00116
00116

FILED

2021 NOV 17 AM 9:40

CLERK
DEPUTY

RECEIPT FOR DOCUMENTS

TO: Michael Luis Cota
Douglas County District Attorney/Minden \ Mark B. Jackson, District Attorney
Bobbie W. Williams, Douglas County Clerk

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

11/16/2021 Filed Notice of Appeal/Proper Person. (18-CR-00116) (SC)

DATE: November 16, 2021

Elizabeth A. Brown, Clerk of Court
lh

RECEIVED

NOV 18 2021

Douglas County
District Court Clerk

FILED

2021 NOV 18 AM 10:45

ROBERT E. WILLIAMS
CLERK

BY *[Signature]* DEPUTY

NINTH JUDICIAL DISTRICT COURT
DOUGLAS COUNTY NEVADA

NAME, STATE OF NEVADA

Plaintiff(s),

-vs-

CASE NO.

NAME, MICHAEL COTA

Defendant(s).

18-CR-~~18~~ 0084

18-CR- 0116 ✓

NOTICE OF APPEAL

COMES NOW, MICHAEL COTA, in PRO PER and herein above respectfully

Moves this Honorable Court for a NOTICE OF APPEAL TO US Supreme
Court of this Courts DENIAL OF MOTION to Change Venue
Even though Judge Gregory is a Defendant in MR COTAS
CIVIL RIGHTS CASE BOTH STATE AND FEDERAL.

The above is made and based on the following Memorandum of Points and Authorities.

DATED THIS 14TH DAY OF NOVEMBER 2021

X *[Signature]*

RECEIVED

NOV 18 2021

Douglas County
District Court Clerk

FILED

2021 NOV 18 AM 10:45

ROBERT R. WILLIAMS
CLERK

DEPUTY

NINTH JUDICIAL DISTRICT COURT
DOUGLAS COUNTY NEVADA

NAME, STATE OF NEVADA
Plaintiff(s),

-vs-

NAME, MICHAEL COTA
Defendant(s).

CASE NO.

18-CR-0084
18-CR-0116 ✓

NOTICE OF APPEAL

COMES NOW, MICHAEL COTA, in PRO PER and herein above respectfully

Moves this Honorable Court for a NOTICE OF APPEAL TO NO Supreme
Court of this Courts DENIAL to HOLD JOHN MALONE
IN CONTEMPT.

The above is made and based on the following Memorandum of Points and Authorities.

DATED THIS 14TH DAY OF NOVEMBER 2021

X MICHAEL COTA II /

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RECEIVED

NOV 18 2021

Douglas County
District Court Clerk

NOV 18 AM 10:45

DOUGLAS E. WILLIAMS

CLERK
DEPUTY

~~DOUGLAS COUNTY NEVADA~~

NAME, STATE OF NEVADA

Plaintiff(s),

-VS-

NAME, MICHAEL COTA

Defendant(s):

NOTICE OF APPEAL

COMES NOW, MICHAEL COTA, in PRO PER and herein above respectfully

Moves this Honorable Court for a Notice of APPEAL TO THE SUPREME

COURT OF THIS STATE DENIAL OF MOTION TO VACATE

SENTENCE.

The above is made and based on the following Memorandum of Points and Authorities.

DATED THIS 14th DAY OF NOVEMBER 2021

~~X MICHAEL COTA~~

RECEIVED

NOV 18 2021

Douglas County
District Court Clerk

NOV 18 AM 10:45

ROBERT H. WILLIAMS

CLERK

DEPUTY

NINTH JUDICIAL DISTRICT COURT
DOUGLAS COUNTY NEVADA

CASE NO.

18-CR-0084

18-CR-0116 ✓

NAME, STATE OF NEVADA

Plaintiff(s),

-VS-

NAME, MICHAEL COTA

Defendant(s).

NOTICE OF APPEAL

COMES NOW, Michael COTA, in PRO PER and herein above respectfully

Moves this Honorable Court for a NOTICE OF APPEAL ON THIS COURTS

DEVAL OF PREMPATORY Challenge Motion FILED BY

MR COTA

The above is made and based on the following Memorandum of Points and Authorities.

DATED THIS 14TH DAY OF NOVEMBER 2021

X Michael COTA II

516

DEC - 1 2021

IN THE SUPREME COURT OF THE STATE OF NEVADA

2021 DEC -1 AM 10: 28

44-38861-1000 No. 83773

FILED

NOV 29 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

On October 28, 2021, appellant filed a notice of appeal in district court case number 2018-CR-00116. The clerk of this court erroneously docketed the notice of appeal as a second notice of appeal in the instant case. Accordingly, the clerk of this court shall remove the notice of appeal erroneously docketed in this case on November 15, 2021, from the docket of this case, and docket it as a separate appeal.

Hardesty, C.J.

517

21-33970

RECEIVED

DEC -1 2021

Douglas County
District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

2021 DEC -1 AM 10: 21

No. 83775

FILED

NOV 29 2021

ELIZABETH A. GROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

MICHAEL LUIS COTA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

ORDER

On October 28, 2021, appellant filed a notice of appeal in district court case number 2018-CR-00116. The clerk of this court erroneously docketed the notice of appeal as a second notice of appeal in the instant case. Accordingly, the clerk of this court shall remove the notice of appeal erroneously docketed in this case on November 16, 2021, from the docket of this case, and docket it as a separate appeal.

It is so ORDERED.

[Signature] C.J.

cc: Hon. Thomas W. Gregory, District Judge
Michael Luis Cota
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk

RECEIVED

DEC - 2 2021

Douglas County
District Court Clerk

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

2021 DEC -2 PM 3:43

MICHAEL LUIS COTA,
Appellant,
vs.

WILLIAM A. GITTERE, WARDEN, NEVADA DEPARTMENT OF CORRECTIONS,
Respondent.

Supreme Court No. 83841

District Court Case No. 18-CR-00116

BOBBIE W. WILLIAMS
CLERK

RECEIPT FOR DOCUMENTS

TO: Michael Luis Cota
Douglas County District Attorney/Minden \ Mark B. Jackson, District Attorney
Bobbie W. Williams, Douglas County Clerk

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

11/30/2021	Appeal Filing Fee waived. Criminal. (SC)
11/30/2021	Filed Notice of Appeal/Proper Person. Appeal docketed in the Supreme Court this day. (18-CR-00116) (SC)

DATE: November 30, 2021

Elizabeth A. Brown, Clerk of Court
lh

RECEIVED

DEC - 2 2021

Douglas County
District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

OFFICE OF THE CLERK

2021 DEC - 2 PM 3:43

MICHAEL LUIS COTA,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

BOBBIE W. WILLIAMS

CLERK

DEPUTY

Supreme Court No. 83842

District Court Case No. 18-CR-00116

RECEIPT FOR DOCUMENTS

TO: Michael Luis Cota

Douglas County District Attorney/Minden \ Mark B. Jackson, District Attorney

Bobbie W. Williams, Douglas County Clerk ✓

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

11/30/2021 Appeal Filing Fee waived. Criminal. (SC)

11/30/2021 Filed Notice of Appeal/Proper Person. Appeal docketed in the Supreme Court this day. (18-CR-00116) (SC)

DATE: November 30, 2021

Elizabeth A. Brown, Clerk of Court

lh

FILED
IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL LUIS COTA,
Petitioner,
vs.

THE NINTH JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA, IN AND FOR THE
COUNTY OF DOUGLAS,

Respondent,

and

THE STATE OF NEVADA,

Real Party in Interest.

2021 DEC -2 PM Supreme Court No. 83521

District Court Case No. 18-CR-00084;18-CR-
00116 ✓

BOBBIE W. WILLIAMS
CLERK

DEPUTY

RECEIVED

DEC - 2 2021

Douglas County
District Court Clerk

NOTICE IN LIEU OF REMITTITUR

TO THE ABOVE-NAMED PARTIES:

The decision and Order of the court in this matter having been entered on November 5th, 2021, and the petition for rehearing having been denied, notice is hereby given that the Order and decision entered herein has, pursuant to the rules of this court, become effective.

DATE: November 30, 2021

Elizabeth A. Brown, Clerk of Court

By: Rory Wunsch
Deputy Clerk

cc: Douglas County District Attorney/Minden
Michael Luis Cota
Bobbie W. Williams, Douglas County Clerk

FILED

RECEIVED

DEC - 7 2021

2021 DEC - 7 IN THE SUPREME COURT OF THE STATE OF NEVADA

Douglas County
District Court Clerk

DOUGIE R. WILLIAMS
CLERK

BY [Signature] DEPUTY
MICHAEL LUIS COTA,
Appellant,

No. 83775 ✓

vs.

THE STATE OF NEVADA,
Respondent.

MICHAEL LUIS COTA,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

No. 83842

18-CR-00116

FILED

DEC 03 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature] DEPUTY CLERK

ORDER DISMISSING APPEALS

These are pro se appeals from a district court "order denying motion to hold John Malone in contempt."¹ Ninth Judicial District Court, Douglas County; Thomas W. Gregory, Judge.

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

ORDERS these appeals DISMISSED.

[Signature] J.
Parraguirre

[Signature] J.
Stiglich

[Signature] J.
Silver

¹It appears that the order was only entered in district court case number 2018-CR-00116.

cc: Hon. Thomas W. Gregory, District Judge
Michael Luis Cota
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk

FILED

RECEIVED

DEC - 8 2021

IN THE SUPREME COURT OF THE STATE OF NEVADA Douglas County District Court Clerk

BOBBIE R. WILLIAMS
CLERK

BY *[Signature]* No. 83841

MICHAEL LUIS COTA,
Appellant,
vs.
WILLIAM A. GITTERE, WARDEN,
NEVADA DEPARTMENT OF
CORRECTIONS,
Respondent.

FILED

DEC 06 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

2018 CR-00116

**ORDER DIRECTING TRANSMISSION OF RECORD
AND REGARDING BRIEFING**

Having reviewed the documents on file in this pro se appeal, this court has concluded that its review of the complete record is warranted. See NRAP 10(a)(1). Accordingly, the clerk of the district court shall have 30 days from the date of this order to transmit to the clerk of this court a certified copy of the complete trial court record of this appeal. See NRAP 11(a)(2). The record shall include copies of documentary exhibits submitted in the district court proceedings, but shall not include any physical, non-documentary exhibits or the original documentary exhibits. The record shall also include any presentence investigation reports submitted in a sealed envelope identifying the contents and marked confidential. See NRS 176.156(5).

Within 120 days, appellant may file either (1) a brief that complies with the requirements in NRAP 28(a) and NRAP 32; or (2) the "Informal Brief Form for Pro Se Parties" provided by the supreme court clerk. NRAP 31(a)(1). If no brief is submitted, the appeal may be decided on the record on appeal. NRAP 34(g). Respondent need not file a response

to any brief filed by appellant, unless ordered to do so by this court. NRAP 46A(c). This court generally will not grant relief without providing an opportunity to file a response. *Id.*

It is so ORDERED.

1- [Signature] C.J.

cc: Michael Luis Cota
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk

Form 2. Case Appeal Statement

No. 2018-CR-00116

FILED

Dept. No. II

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE
OF NEVADA IN AND FOR THE COUNTY OF DOUGLAS

STATE OF NEVADA,

Plaintiff,

vs

MICHAEL COTA,

Defendant.

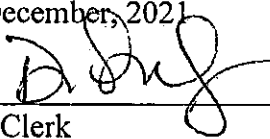
2021 DEC 14 PM 4:30
CLERK OF DISTRICT COURT
BY *[Signature]* DEPUTY
RECEIVED
DEC 14 2021
Douglas County
District Court Clerk

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:
Michael Cota.
2. Identify the judge issuing the decision, judgment, or order appealed from:
Honorable Thomas W. Gregory.
3. Identify each appellant and the name and address of counsel for each appellant:
Michael Cota #1206075, Ely State Prison, P.O Box 1989, Ely, NV 89301- In Proper Person.
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):
The State of Nevada, represented by the Douglas County Attorney's Office, P.O. Box 218, Minden, NV 89423.
5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):
N/A.
6. Indicate whether appellant was represented by appointed or retained counsel in the district court: The defendant was represented by appointed John Malone, the Court discharged John Malone on 5/21/2020. The defendant is now representing himself.
7. Indicate whether appellant is represented by appointed or retained counsel on appeal:
John Malone represented the defendant for the Notice of Appeal of the Judgment of Conviction only.
8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:
The appellant has not been granted leave to proceed in forma pauperis.
9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed): The information was filed on 7/25/2018.

10. Provide a brief description of the nature of the action and result in the District Court, including the type of judgment or order being appealed and the relief granted by the court: The defendant is appealing the Court's Order Denying Peremptory Challenge entered on 11/10/2021.
11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:
No. 83842, 83841, 83775, 83773
12. Indicate whether this appeal involves child custody or visitation:
No.
13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:
No.

Dated this 14th day of December, 2021



Deputy Clerk
P.O. Box 218
Minden, Nevada 89423
775-782-9820

Form 2. Case Appeal Statement

No. 2018-CR-00116

Dept. No. II

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE
OF NEVADA IN AND FOR THE COUNTY OF DOUGLAS

2021 DEC 14 PM 4:30

DOUGLAS
CLERK
BY *[Signature]* DEPUTY

STATE OF NEVADA,

Plaintiff,

vs

MICHAEL COTA,

Defendant.

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DEC 14 2021

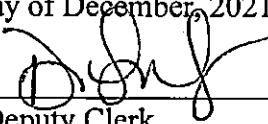
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Dated this 14th day of December, 2021



Deputy Clerk
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Minden, Nevada 89423
775-782-9820

Form 2. Case Appeal Statement

No. 2018-CR-00116

FILED

Dept. No. II

2021 DEC 14 PM 4:31

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE
OF NEVADA IN AND FOR THE COUNTY OF DOUGLAS

STATE OF NEVADA,

Plaintiff,

vs

MICHAEL COTA,

Defendant.

RECEIVED

DEC 14 2021

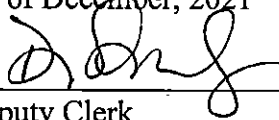
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775-782-9820

Form 2. Case Appeal Statement

No. 2018-CR-00116

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IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE
OF NEVADA IN AND FOR THE COUNTY OF DOUGLAS

FILED

2021 DEC 14 PM 8:31

BY *[Signature]* DEPUTY
CLERK

STATE OF NEVADA,

Plaintiff,

vs

MICHAEL COTA,

Defendant.

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DEC 14 2021

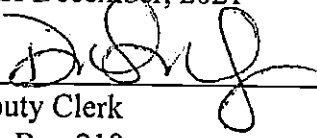
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No.

Dated this 14th day of December, 2021



Deputy Clerk
P.O. Box 218
Minden, Nevada 89423
775-782-9820

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**DEC 23 2021 IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

Douglas County
District Court Clerk

FILED
2021 DEC 23 AM 11:40

MICHAEL LUIS COTA,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

BOBBIE R. WILLIAMS
CLERK

Supreme Court No. 83950
District Court Case No. 18-CR-00116

RECEIPT FOR DOCUMENTS

TO: Michael Luis Cota
Douglas County District Attorney/Minden \ Mark B. Jackson, District Attorney
Bobbie W. Williams, Douglas County Clerk ✓

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

12/21/2021 Appeal Filing Fee waived. Criminal. (SC)

12/21/2021 Filed Notice of Appeal/Proper Person. Appeal docketed in the Supreme Court this day. (SC)

DATE: December 21, 2021

Elizabeth A. Brown, Clerk of Court
lh

RECEIVED

DEC 23 2021

Douglas County
District Court Clerk

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

2021 DEC 23 AM 11:40

MICHAEL LUIS COTA,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

BOBBIE R. WILLIAMS
CLERK

Supreme Court No. 83951
District Court Case No. 18-CR-00116

[Signature]
DEPUTY

RECEIPT FOR DOCUMENTS

TO: Michael Luis Cota
Douglas County District Attorney/Minden \ Mark B. Jackson, District Attorney
Bobbie W. Williams, Douglas County Clerk ✓

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Elizabeth A. Brown, Clerk of Court
lh

RECEIVED

DEC 23 2021

Douglas County
District Court Clerk

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

2021 DEC 23 AM 11:40

MICHAEL LUIS COTA,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

BOBBIE R. WILLIAMS
CLERK

[Signature]
DOUGLAS COUNTY

Supreme Court No. 83952

District Court Case No. 18-CR-00116

RECEIPT FOR DOCUMENTS

TO: Michael Luis Cota

Douglas County District Attorney/Minden \ Mark B. Jackson, District Attorney

Bobbie W. Williams, Douglas County Clerk ✓

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

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DATE: December 21, 2021

Elizabeth A. Brown, Clerk of Court

lh

RECEIVED

DEC 23 2021

Douglas County
District Court Clerk

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

2021 DEC 23 AM 11:48

MICHAEL LUIS COTA,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

BOBBIE R. WILLIAMS
CLERK

[Signature]
DEPUTY

Supreme Court No. 83953
District Court Case No. 18-CR-00116

RECEIPT FOR DOCUMENTS

TO: Michael Luis Cota
Douglas County District Attorney/Minden \ Mark B. Jackson, District Attorney
Bobbie W. Williams; Douglas County Clerk ✓

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