

1 Mohamed Abdalla Mahmoud X1222377

2 In Propria Personam
3 Post Office Box 208, S.D.C.C.
4 Indian Springs, Nevada 89018

FILED

MAR 16 2022

Electronic Filed
Mar 21 2022 10:00 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

5 IN THE 8TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF Clark

9 The state of Nevada }

10 Plaintiff,

11 vs.

12 Mohamed Abdalla Mahmoud }
13 Defendant.

Case No. C-18-334567-1

Dept. No. XXX

Docket _____

16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,

18 Mohamed Abdalla Mahmoud, in and through his proper person, hereby
19 appeals to the Supreme Court of Nevada from the ORDER denying and/or
20 dismissing the

21 Motion To withdraw Plea

23 ruled on the 23 day of July, 20 20

25 Dated this 8TH day of March, 20 22

26 Respectfully Submitted,

27 Mohamed Abdalla Mahmoud

28 RECEIVED

MAR 16 2022

CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, Mohamed Abdalla Mahmoud, hereby certify, pursuant to NRCP 5(b), that on this 8th day of March, 2022 I mailed a true and correct copy of the foregoing, "

Notice of Appeal"

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. Grierson
Clerk of the Court
200 Lewis Ave, 3RD Floor
Las Vegas, NV
89155-1160

Steve Wolfson
District Attorney
200 Lewis Ave
Las Vegas, N.V.
89155-2212

CC: FILE

DATED: this 8th day of March, 2022

Mohamed Abdalla Mahmoud # 1222371
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Notice of Appeal
(Title of Document)

filed in District Court Case number C-18-334567-1

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

-OR-

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

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

(State specific law)

-or-

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


Signature

3/8/22
Date

Mohamed Abdalla Mahmoud
Print Name

Defendant
Title

Mohamed A. Mahmoud #1222377
S.D.C.C P.O. Box 208 Indian Springs
Nevada 89018

LAS VEGAS NV 890
14 MAR 2022 PM 3 L

B/S 2614022

quadrant

FIRST-CLASS MAIL

03/14/2022

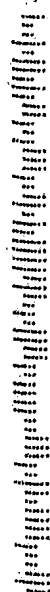
US POSTAGE \$000.53



ZIP 89101
041M12254121

For Steven D. Grierson
Clerk of The Court
Zoo Lewis Ave, 3rd Floor
Las Vegas, N.V. 89155-4180

89101-630000





1 ASTA

2
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 MOHAMED ABDALLA MAHMOUD,

14 Defendant(s),
15

Case No: C-18-334567-1

Dept No: XXX

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Mohamed Abdalla Mahmoud

20 2. Judge: Jerry A. Wiese

21 3. Appellant(s): Mohamed Abdalla Mahmoud

22 Counsel:

23 Mohamed Abdalla Mahmoud
24 P.O. Box 208
Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89101

(702) 671-2700

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

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

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

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

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

9. Date Commenced in District Court: August 31, 2018

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

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

Dated This 17 day of March 2022.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

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

cc: Mohamed Abdalla Mahmoud

Mohamed Abdalla Mahmoud, 1222377

Petitioner/In Propria Persona,

Post Office Box 208, SDCC

Indian Springs, Nevada 89070-0208

FILED ¹²

MAR 16 2022

Sharon A. Spence
CLERK OF COURT

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

IN AND FOR THE COUNTY OF Clark

The State of Nevada

Plaintiff,

vs.

Mohamed Abdalla Mahmoud

Defendant.

CASE No. C-18-334567-1

DEPT. No. XXX

DESIGNATION OF RECORD ON APPEAL

TO:

The above-named Plaintiff hereby designates the entire record of the above-entitled case, to include all the papers, documents, pleadings, and transcripts thereof, as and for the Record on Appeal.

DATED this 8th day of March, 20 22.

RESPECTFULLY SUBMITTED BY:

Mohamed Abdalla Mahmoud 1222377
Plaintiff/In Propria Persona

RECEIVED

MAR 16 2022

CLERK OF THE COURT

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-18-334567-1

State of Nevada
vs
Mohamed Mahmoud

§
§
§
§
§
§
§
§

Location: **Department 30**
Judicial Officer: **Wiese, Jerry A.**
Filed on: **08/31/2018**
Cross-Reference Case Number: **C334567**
Defendant's Scope ID #: **6093907**
Grand Jury Case Number: **17CGJ110x**
ITAG Case ID: **2019347**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Arrest: 08/31/2018	200.010	F	08/11/2018	Case Status:	09/05/2019 Closed
2. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.010	F	08/11/2018		
3. ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON Filed As: ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.471.2c F	F	08/11/2018 8/31/2018		
4. ASSAULT WITH A DEADLY WEAPON Filed As: ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.471.2b F	F	08/11/2018 8/31/2018		
5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.010	F	08/11/2018		
6. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.010	F	08/11/2018		
7. ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON	200.471.2c	F	08/11/2018		
8. ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON	200.471.2c	F	08/11/2018		
9. ASSAULT WITH A DEADLY WEAPON	200.471.2b	F	08/11/2018		
10. ASSAULT WITH A DEADLY WEAPON	200.471.2b	F	08/11/2018		
11. ASSAULT WITH A DEADLY WEAPON	200.471.2b	F	08/11/2018		
12. ASSAULT WITH A DEADLY WEAPON	200.471.2b	F	08/11/2018		
13. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	205.060.4	F	08/11/2018		
14. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE	202.287.1b	F	08/11/2018		
15. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE	202.287.1b	F	08/11/2018		
16. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE	202.287.1b	F	08/11/2018		
17. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE	202.287.1b	F	08/11/2018		
18. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE	202.287.1b	F	08/11/2018		

Statistical Closures

09/05/2019 Guilty Plea with Sentence (before trial) (CR)

Warrants

Indictment Warrant - Mahmoud, Mohamed Abdalla (Judicial Officer: Villani, Michael)

09/11/2018 10:50 AM Returned - Served

08/31/2018 11:00 AM Active

Fine: \$0

Bond: **\$500,000.00** Any

DATE











CASE ASSIGNMENT

CASE SUMMARY**CASE NO. C-18-334567-1****Current Case Assignment**

Case Number	C-18-334567-1
Court	Department 30
Date Assigned	08/31/2018
Judicial Officer	Wiese, Jerry A.

PARTY INFORMATION

Defendant	Mahmoud, Mohamed Abdalla	<i>Lead Attorneys</i> Public Defender <i>Public Defender</i> 702-455-4685(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)


DATE	EVENTS & ORDERS OF THE COURT	INDEX
<u>EVENTS</u>		
08/31/2018	 Indictment <i>[1] Indictment</i>	
08/31/2018	 Warrant <i>[2] Indictment Warrant; Warrant for Arrest</i>	
09/04/2018	 Indictment Warrant Return <i>[3]</i>	
09/10/2018	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>[4] Reporter's Transcript of Proceedings - Grand Jury - Hearing - 08/30/18</i>	
09/20/2018	 Media Request and Order <i>[5] Media Request And Order Allowing Camera Access To Court Proceedings</i>	
11/08/2018	 Stipulation <i>[6] Stipulation to Continue Trial Date</i>	
12/10/2018	 Motion to Continue Trial Filed By: Defendant Mahmoud, Mohamed Abdalla <i>[7] Motion to Continue Trial</i>	
03/28/2019	 Ex Parte Order Filed By: Defendant Mahmoud, Mohamed Abdalla <i>[8] Ex Parte Order for Transport</i>	
03/29/2019	 Affidavit in Support Filed By: Defendant Mahmoud, Mohamed Abdalla <i>[9] Affidavit in Support of Ex Parte Order for Transport</i>	
05/16/2019	 Motion to Dismiss	


CASE SUMMARY


CASE NO. C-18-334567-1


Filed By: Defendant Mahmoud, Mohamed Abdalla
[10] Defendant's Motion to Dismiss Count II and Count VIII


05/28/2019  Guilty Plea Agreement
[11]


05/28/2019  Amended Indictment
[12]


06/10/2019  Order
 Filed By: Defendant Mahmoud, Mohamed Abdalla
[13] Order

07/02/2019  PSI
[14]


07/11/2019  Memorandum
 Filed By: Defendant Mahmoud, Mohamed Abdalla
[15] Sentencing Memoranddum


07/12/2019  Memorandum
 Filed By: Plaintiff State of Nevada
[16] Sentencing Memorandum


07/12/2019  Exhibits
 Filed By: Plaintiff State of Nevada
[17] State's Notice of Exhibits for Sentencing Memorandum

07/29/2019  Motion to Withdraw Plea
 Filed By: Defendant Mahmoud, Mohamed Abdalla
[18] Motion to Withdraw Plea of Guilty

07/29/2019  Clerk's Notice of Hearing
[19] Notice of Hearing

09/05/2019  Judgment of Conviction
[20] Judgment of Conviction (Plea of Guilty)















09/11/2019  Amended Judgment of Conviction
[21] Amended Judgment of Conviction

04/17/2020  Motion to Withdraw Plea
 Filed By: Defendant Mahmoud, Mohamed Abdalla
[22] Motion of Withdraw of Plead Guilty


05/15/2020  Opposition to Motion
[23] State's Opposition to Defendant's Motion of Withdraw Plead of Guilt [Sic]

CASE SUMMARY

CASE NO. C-18-334567-1

08/05/2020	 Findings of Fact, Conclusions of Law and Order [24]
12/02/2021	 Motion to Withdraw Plea Filed By: Defendant Mahmoud, Mohamed Abdalla [25] <i>Motion to Withdraw Plead of Guilt</i>
01/05/2022	 Motion Filed By: Defendant Mahmoud, Mohamed Abdalla [26] <i>Motion to Withdraw Counsel</i>
01/27/2022	 Opposition to Motion Filed By: Plaintiff State of Nevada [27] <i>State's Opposition to Defendant's Motion of Withdraw Plead of Guilt [SIC]</i>
01/28/2022	 Order for Production of Inmate [28] <i>ORDER FOR PRODUCTION OF INMATE</i>
02/16/2022	 Order Denying [29] <i>ORDER RE: DEFENDANT'S MOTION TO WITHDRAW PLEA OF GUILTY</i>
02/28/2022	 Motion to Withdraw As Counsel Filed By: Defendant Mahmoud, Mohamed Abdalla [30] <i>Motion to Withdraw as Counsel of Record</i>
02/28/2022	 Clerk's Notice of Hearing [31] <i>Notice of Hearing</i>
03/01/2022	 Motion [32] <i>Continuation of Motion to Withdra Plea of Guilt</i>
03/15/2022	 Motion to Compel [33] <i>Motion to Compel</i>
03/15/2022	 Motion for Appointment of Attorney [34] <i>Motion to Appointment Counsel</i>
03/15/2022	 Motion Filed By: Defendant Mahmoud, Mohamed Abdalla [35] <i>Motion for Transcripts at State Expense</i>
03/15/2022	 Memorandum of Points and Authorities [36] <i>Memorandum of Points and Authorities in Support of Request for Transcripts at State Expense</i>
03/16/2022	 Notice of Appeal (Criminal) Party: Defendant Mahmoud, Mohamed Abdalla [37] <i>Notice of Appeal</i>

CASE SUMMARY
CASE NO. C-18-334567-1

03/16/2022  Designation of Record on Appeal
Filed By: Defendant Mahmoud, Mohamed Abdalla
[38] Designation of Record on Appeal

03/17/2022  Case Appeal Statement
Case Appeal Statement

DISPOSITIONS

05/25/2019 **Plea** (Judicial Officer: Wiese, Jerry A.)
1. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON
Guilty
PCN: Sequence:
2. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON
Guilty
PCN: Sequence:
3. ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON
Guilty
PCN: Sequence:
4. ASSAULT WITH A DEADLY WEAPON
Guilty
PCN: Sequence:

05/28/2019 **Disposition** (Judicial Officer: Wiese, Jerry A.)
5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:
6. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:
7. ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:
8. ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:
9. ASSAULT WITH A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:
10. ASSAULT WITH A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:
11. ASSAULT WITH A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:
12. ASSAULT WITH A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:
13. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

CASE SUMMARY
CASE NO. C-18-334567-1

Amended Information Filed/Charges Not Addressed
PCN: Sequence:

14. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

Amended Information Filed/Charges Not Addressed
PCN: Sequence:

15. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

Amended Information Filed/Charges Not Addressed
PCN: Sequence:

16. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

Amended Information Filed/Charges Not Addressed
PCN: Sequence:

17. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

Amended Information Filed/Charges Not Addressed
PCN: Sequence:

18. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

Amended Information Filed/Charges Not Addressed
PCN: Sequence:

08/29/2019 **Disposition** (Judicial Officer: Wiese, Jerry A.)

1. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

Guilty
PCN: Sequence:

2. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

Guilty
PCN: Sequence:

3. ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON

Guilty
PCN: Sequence:

4. ASSAULT WITH A DEADLY WEAPON

Guilty
PCN: Sequence:

08/29/2019 **Adult Adjudication** (Judicial Officer: Wiese, Jerry A.)

1. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

08/11/2018 (F) 200.010 (DC50031)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:8 Years, Maximum:20 Years

Consecutive Enhancement:deadly weapon, Minimum:8 Years, Maximum:20 Years

08/29/2019 **Adult Adjudication** (Judicial Officer: Wiese, Jerry A.)

2. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

08/11/2018 (F) 200.010 (DC50031)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:8 Years, Maximum:20 Years

Consecutive Enhancement:deadly weapon, Minimum:8 Years, Maximum:20 Years

Concurrent: Charge count 1

08/29/2019 **Adult Adjudication** (Judicial Officer: Wiese, Jerry A.)

CASE SUMMARY**CASE NO. C-18-334567-1**

3. ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON

08/11/2018 (F) 200.471.2c (DC50205)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:12 Months, Maximum:48 Months

Concurrent: Charge count 2

08/29/2019 **Adult Adjudication** (Judicial Officer: Wiese, Jerry A.)

4. ASSAULT WITH A DEADLY WEAPON

08/11/2018 (F) 200.471.2b (DC50201)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:12 Months, Maximum:48 Months


Concurrent: Charge count 3

Credit for Time Served: 384 Days

Comments: total aggregate sentence 16/40 years NDC with 384 days credit for time served

Fee Totals:

Administrative Assessment Fee	25.00
\$25	
DNA Analysis Fee	150.00
\$150	
Genetic Marker Analysis AA Fee	3.00
\$3	
Indigent Defense Civil Assessment	250.00
Fee - ASK	
Fee Totals \$	428.00

HEARINGS08/31/2018  **Grand Jury Indictment** (11:00 AM) (Judicial Officer: Villani, Michael)**MINUTES****Warrant**

08/31/2018 Inactive Indictment Warrant

Matter Heard;

Journal Entry Details:


Keith Nelson, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 17CGJ110X to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-18-334567-1, Department XXX. State requested a warrant, argued bail, and advised Deft. is to surrender his passport; INDICTMENT WARRANT ISSUED, and matter SET for Arraignment. COURT FURTHER ORDERED, Exhibits 1,2,6,8,10,11,12,36,41, and 42 to be lodged with the Clerk of the Court; Las Vegas Justice Court case no. 18F14914X DISMISSED per the State's request. In addition, a Pre-Trial Risk Assessment will be prepared if one was not previously done. I.W. (CUSTODY) 09/11/18 8:30 A.M. INITIAL ARRAIGNMENT (DEPT XXX) ;

SCHEDULED HEARINGS**Initial Arraignment** (09/11/2018 at 8:30 AM) (Judicial Officer: Wiese, Jerry A.)09/11/2018 **Initial Arraignment** (8:30 AM) (Judicial Officer: Wiese, Jerry A.)

Plea Entered;

09/11/2018 **Indictment Warrant Return** (8:30 AM) (Judicial Officer: Wiese, Jerry A.)

Matter Heard;

09/11/2018  **All Pending Motions** (8:30 AM) (Judicial Officer: Wiese, Jerry A.)


Plea Entered;

Journal Entry Details:

CASE SUMMARY

CASE NO. C-18-334567-1

DEFT. MAHMOUD ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, counsel has 21 days from the date of filing the Grand Jury Transcript to file a Writ. CUSTODY 11/08/18 8:30 AM CALENDAR CALL 11/13/18 10:00 AM JURY TRIAL;

11/08/2018  **Calendar Call** (8:30 AM) (Judicial Officer: Wiese, Jerry A.)


Trial Date Set;

Journal Entry Details:

Stipulation to Continue Trial Date FILED IN OPEN COURT. COURT NOTED the issue was Defendant invoked. Ms. Bakhtary advised at this point Defendant would waive. Upon Court's inquiry, Defendant acknowledged he would like to waive his right to a speedy trial. Court noted this was the first request for a trial continuance. COURT ORDERED, trial VACATED and RESET. CUSTODY 2/14/19 8:30 AM CALENDAR CALL 2/19/19 10:00 AM JURY TRIAL;

11/13/2018 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Wiese, Jerry A.)

Vacated - per Judge

12/27/2018  **Motion to Continue Trial** (8:30 AM) (Judicial Officer: Wiese, Jerry A.)

Defendant's Motion to Continue Trial

Motion Granted;

Journal Entry Details:

Ms. Bakhtary advised, this was an officer involved shooting, the evidence was being reviewed, and requested Trial be reset in late June. There being no objection by the State, COURT ORDERED, Motion GRANTED, Trial dates VACATED and RESET. CUSTODY 06/20/19 8:30 AM CALENDAR CALL 06/24/19 10:00 AM JURY TRIAL;

02/14/2019 **CANCELED Calendar Call** (8:30 AM) (Judicial Officer: Wiese, Jerry A.)

Vacated - per Judge

02/19/2019 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Wiese, Jerry A.)

Vacated - per Judge

05/28/2019 **CANCELED Motion to Dismiss** (8:30 AM) (Judicial Officer: Barker, David)

Vacated - Moot

Defendant's Motion to Dismiss Count II and Count VIII

05/28/2019  **Entry of Plea** (8:30 AM) (Judicial Officer: Barker, David)

Plea Entered;

Journal Entry Details:

Amended Indictment FILED IN OPEN COURT. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. MAHMOUD ARRAIGNED AND PLED GUILTY TO COUNT 1,2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F), COUNT 3 - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON (F), and COUNT 4 - ASSAULT WITH A DEADLY WEAPON (F). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for Sentencing; Trial dates VACATED. CUSTODY 07/18/19 8:30 AM SENTENCING;

06/18/2019 **CANCELED Calendar Call** (8:30 AM) (Judicial Officer: Wiese, Jerry A.)

Vacated - per Judge

06/24/2019 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Wiese, Jerry A.)

Vacated - per Judge

07/18/2019  **Sentencing** (8:30 AM) (Judicial Officer: Wiese, Jerry A.)

07/18/2019, 08/29/2019

MINUTES

Plea (Judicial Officer: Wiese, Jerry A.)

1. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

2. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

Guilty

CASE SUMMARY
CASE NO. C-18-334567-1

PCN: Sequence:

3. ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

4. ASSAULT WITH A DEADLY WEAPON

Guilty

PCN: Sequence:

Disposition (Judicial Officer: Wiese, Jerry A.)

1. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

2. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

3. ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

4. ASSAULT WITH A DEADLY WEAPON

Guilty

PCN: Sequence:

Adult Adjudication (Judicial Officer: Wiese, Jerry A.)

1. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

08/11/2018 (F) 200.010 (DC50031)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:8 Years, Maximum:20 Years

Consecutive Enhancement:deadly weapon, Minimum:8 Years, Maximum:20 Years

Adult Adjudication (Judicial Officer: Wiese, Jerry A.)

2. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

08/11/2018 (F) 200.010 (DC50031)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:8 Years, Maximum:20 Years

Consecutive Enhancement:deadly weapon, Minimum:8 Years, Maximum:20 Years

Concurrent: Charge count 1

Adult Adjudication (Judicial Officer: Wiese, Jerry A.)

3. ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON

08/11/2018 (F) 200.471.2c (DC50205)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:12 Months, Maximum:48 Months

Concurrent: Charge count 2

Adult Adjudication (Judicial Officer: Wiese, Jerry A.)

4. ASSAULT WITH A DEADLY WEAPON

08/11/2018 (F) 200.471.2b (DC50201)

PCN: Sequence:

CASE SUMMARY

CASE NO. C-18-334567-1

Sentenced to Nevada Dept. of Corrections

Term: Minimum:12 Months, Maximum:48 Months

Concurrent: Charge count 3

Credit for Time Served: 384 Days

Comments: total aggregate sentence 16/40 years NDC with 384 days credit for time served

Fee Totals:

Administrative Assessment Fee	25.00
\$25	
DNA Analysis Fee	150.00
\$150	
Genetic Marker Analysis AA Fee	3.00
\$3	
Indigent Defense Civil Assessment	250.00
Fee - ASK	
Fee Totals \$	428.00

Matter Continued;

Defendant Sentenced;

Journal Entry Details:

Colloquy regarding potential victim speakers. Ms. Bakhtary indicated there were no Stockmeier issues. DEFENDANT MAHMOUD ADJUDGED GUILTY of COUNT 1 & 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F), COUNT 3 - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON (F), and COUNT 4 - ASSAULT WITH A DEADLY WEAPON (F). State advised the State retained the right to argue. State inquired as to whether the Court received the State's sentencing memorandum and the video footage of the subject incident. Colloquy between the State and the Court regarding the Court watching the video footage before sentencing the Defendant. MATTER TRAILED. MATTER RECALLED. Court advised the videos were reviewed by the Court. Argument by the State in support of Defendant being sentenced to Nevada Department of Corrections (NDC) on all 4 counts. Argument by Ms. Bakhtary that Defendant be given the minimum sentence with counts running concurrent or at least consecutive. Victim Speaker SWORN and TESTIFIED. Statement by Defendant. Statement by the Court. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, WAIVED if previously imposed, \$3.00 DNA Collection fee, and a \$250.00 Indigent Defense Civil Assessment fee, Defendant SENTENCED. As to COUNT 1 - to a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE term of a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC) for use of a Deadly Weapon; As to COUNT 2 - to a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE term of a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC) for use of a Deadly Weapon, Count 2 to run CONCURRENT with Count 1; As to COUNT 3- to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); COUNT 3 to run CONCURRENT with COUNT 2; As to COUNT 4- to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); COUNT 4 to run CONCURRENT with COUNT 3, for an TOTAL AGGREGATE SENTENCE of a MINIMUM of SIXTEEN (16) YEARS and a MAXIMUM of FORTY (40) YEARS in the Nevada Department of Corrections (NDC). NDC BOND, if any, EXONERATED. CLERK'S NOTE: Subsequent to the hearing parties agreed DEFENDANT had THREE HUNDRED EIGHTY-FOUR (384) DAYS credit for time served. COURT SO ORDERED. CLERK'S NOTE: The above Minute Order was amended to reflect the correct imposed sentence.//9/11/19 lk;

Matter Continued;

Defendant Sentenced;

Journal Entry Details:

Ms. Bakhtary advised matter had been going on for over a year with a potential lengthily sentence and requested a continuance for it to be heard by Judge Wiese. Ms. Clowers agreed. COURT ORDERED, matter CONTINUED. CUSTODY CONTINUED TO: 08/29/19 8:30 AM;

08/13/2019



Motion to Withdraw Plea (8:30 AM) (Judicial Officer: Wiese, Jerry A.)

Defendant's Motion to Withdraw Plea of Guilty

Withdrawn;

Journal Entry Details:

Court noted an email was received from Public Defender Zora Bakhtary indicating the Defendant wishes to withdraw his motion. COURT ORDERED, motion WITHDRAWN and sentencing date STANDS. CUSTODY;

05/14/2020



Motion to Withdraw Plea (8:30 AM) (Judicial Officer: Wiese, Jerry A.)

CASE SUMMARY**CASE NO. C-18-334567-1****05/14/2020, 07/23/2020***Motion of Withdraw of Plead Guilty***MINUTES**

Matter Continued;

Denied;

Journal Entry Details:


Defendant not present, in Nevada Department of Corrections. Court advised the State filed an opposition to Defendant's motion to withdraw his plea. Court advised the Defendant claimed he was depressed, suicidal, without his medication and without good advice from counsel at the time he signed the plea. Court advised the Court reviewed the plea canvas and there did not appear to be any issues. Court advised the Court did not find any good cause to support the arguments that Defendant was making. COURT ORDERED Motion DENIED. Court noted the matter probably should be addressed through a Writ of Habeas Corpus. Court DIRECTED the State to file the Order. NDC ;

Matter Continued;

Denied;

Journal Entry Details:

Defendant not present, in Nevada Department of Corrections. State advised the District Attorney's office was not served with the Motion, the Defendant had counsel and this was a fugitive document. The State indicated the Public Defender's office could withdraw and Defendant could proceed with Petition for Habeas corpus. Court advised the Court could allow the Public Defender's office to withdraw; so the Defendant could proceed pro se; however, there was insufficient evidence to support Defendant's Motion and the Defendant did not serve the State. Court advised the amended judgment of conviction was filed 09/11/19 and there was no notice of appeal on file at this time. State requested 30 days to respond to the Motion. COURT ORDERED, the following briefing schedule SET: State's Response due 06/11/20, Hearing CONTINUED to 07/23/20 at 8:30 a.m. Defendant to be transported for the next hearing. NDC CONTINUED TO: 07/23/20 8:30 AM ;

SCHEDULED HEARINGS**CANCELED Status Check** (08/25/2020 at 8:30 AM) (Judicial Officer: Wiese, Jerry A.)*Vacated**Status Check: Submitting/Filing of Order*08/25/2020 **CANCELED Status Check** (8:30 AM) (Judicial Officer: Wiese, Jerry A.)*Vacated**Status Check: Submitting/Filing of Order*12/27/2021  **Minute Order** (3:00 AM) (Judicial Officer: Wiese, Jerry A.)

Minute Order - No Hearing Held;

Journal Entry Details:


The above-referenced matter is scheduled for a hearing on 11/28/21 with regard to Defendant's "Motion to Withdraw Plead of Guilt." Pursuant to the Administrative Orders of the Court, as well as N.R.Cr.P. 8(2), this matter may be decided with or without oral argument. This Court has determined that it would be appropriate to decide this matter on the pleadings, and consequently, this minute order issues. Defendant's Motion was e-filed by the Clerk of Court on 12/2/21. Defendant Mahmoud states that on 5/28/18, he signed a guilty plea agreement under a "very depressed mental status and suicidal and mood." He implies that he was not taking his anti-depressant medication and was not receiving mental health care. Additionally, the Defendant states he was not given good legal advice by his Public Defender when he entered a guilty plea. He states that his attorney told him if he took the deal, he would get the minimum sentence because he had a lack of criminal history. However, because he didn't receive the minimum sentence, he would like to withdraw his plea and be given the chance to go to trial. The Court notes that the Defendant previously filed a similar motion in April 2020, which the Court denied following a hearing on 7/23/20, after concluding it could not find any good cause to support the Defendant's arguments. The Court also noted that the matter probably should have been addressed through a Writ of Habeas Corpus. On 8/5/20, the Court entered a Findings of Facts and Conclusions of Law, formally denying the Motion. In reviewing the information present and the record of the case, the Court Defendant has not raised issues or argument new or distinct from what was previously considered by the Court in 2020. Although the Court could deny the Motion on this basis, it appears the State was not served by the Defendant. Consequently, the Court has determined that a responsive pleading from the State would assist in its determination of this matter. Based on the forgoing and good cause appearing, IT IS HEREBY ORDERED that the State shall file a responsive pleading, no later than 1/6/22, and the presently scheduled hearing of 12/28/21 with regard to Defendant's "Motion to Withdraw Plead of Guilt" has been CONTINUED to 1/25/22 at 8:30AM. The Court will provide the District Attorney's Office with a copy of the foregoing Minute Order and a copy of the Defendant's Motion. CLERK'S NOTE: A copy of the above minute order was distributed to all parties 12-27-21./lk;

01/25/2022 **Motion to Withdraw Plea** (8:30 AM) (Judicial Officer: Wiese, Jerry A.)**01/25/2022, 02/15/2022***Motion to Withdraw Plead of Guilt**See minute order 12-27-21*

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-18-334567-1

	Matter Continued; Motion Denied; See minute order 12-27-21 Matter Continued; Motion Denied;
01/27/2022	CANCELED Motion (8:30 AM) (Judicial Officer: Wiese, Jerry A.) <i>Vacated - Previously Decided</i> <i>Motion to Withdraw Counsel</i>
03/10/2022	 Motion to Withdraw as Counsel (8:30 AM) (Judicial Officer: Wiese, Jerry A.) <i>Motion to Withdraw as Counsel of Record</i> Motion Granted; Journal Entry Details: <i>State and Mr. Hubert present via BlueJeans video conferencing. Defendant not present, in Nevada Department of Corrections. COURT ORDERED, Motion GRANTED; Public Defender's office is WITHDRAWN as counsel for Defendant. Court DIRECTED Mr. Hubert to make sure the Defendant is sent a copy of his case file. NDC;</i>
03/22/2022	Motion (8:30 AM) (Judicial Officer: Wiese, Jerry A.) Events: 03/01/2022 Motion <i>Defendant's Continuation of Motion to Withdra Plea of Guilt</i>
04/05/2022	Motion (8:30 AM) (Judicial Officer: Wiese, Jerry A.) <i>Defendant's Prose Person Motion to Compel</i>
04/05/2022	Motion for Appointment of Attorney (8:30 AM) (Judicial Officer: Wiese, Jerry A.) <i>Defendant's Prose Person Motion to Appointment Counsel</i>
04/05/2022	Motion for Appointment of Attorney (8:30 AM) (Judicial Officer: Wiese, Jerry A.) <i>Defendant's Prose Person Motion for Transcripts at State Expense</i>

DATE

FINANCIAL INFORMATION

Defendant Mahmoud, Mohamed Abdalla

Total Charges

428.00

Total Payments and Credits

0.00

Balance Due as of 3/17/2022

428.00

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

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO.: C-18-334567-1
)	DEPT. NO.: XXX
vs.)	
)	
MOHAMED ABDALLA MAHMOUD,)	ORDER RE: DEFENDANT'S
#6093907)	MOTION TO WITHDRAW
)	PLEA OF GUILTY
Defendant.)	
_____)	

INTRODUCTION

The above-referenced matter came on for a hearing on February 15, 2022, with regard to Defendant's Motion to Withdraw Guilty Plea. Having reviewed the pleadings and papers on file, and after hearing oral argument, the Court took the matter under advisement, to review the video of the Sentencing Hearing, before issuing a decision. The Court has now reviewed the video of the Sentencing Hearing, and now issues the following Order.

FACTUAL AND LEGAL ANALYSIS

Defendant's Motion was e-filed by the Clerk of Court on 12/2/21. Defendant Mahmoud states that on 5/28/19, he signed a guilty plea agreement under a "very depressed mental status and suicidal and mood." He implies that he was not taking his anti-depressant medication and was not receiving mental health care. Additionally, the Defendant states he was not given good legal advice by his Public Defender when he entered a guilty plea. He states that his attorney told him if he took the deal, he would get the minimum sentence because he had a lack of criminal history. However, because he didn't receive the minimum sentence, he would like to withdraw his plea and be given the chance to go to trial.

Defendant previously filed a similar motion in April 2020, which the Court denied following a hearing on 7/23/20, after concluding it could not find any good cause to support the Defendant's arguments. The Court also noted that the matter probably should have been addressed through a Writ of Habeas Corpus. On 8/5/20, the

1 Court entered a Findings of Facts and Conclusions of Law, formally denying the
2 Motion.

3 In reviewing the information presented and the record of the case, the Court
4 finds that Defendant has not raised issues or argument new or distinct from what was
5 previously considered by the Court in 2020.

6 In Opposition, the State argues this Motion must be dismissed because this is
7 the second time he had attempted to withdraw his plea this way, and his previous
8 motion was rejected. This Court has already determined that this claim should have
9 been filed as a petition for writ of habeas corpus.

10 Even if it had been properly filed, the State argues that it fails to advance any
11 legal basis for this Court to permit Defendant to withdraw his plea. Defendant's
12 "petition" is entirely devoid of citations to the record or to applicable legal standards.
13 Significantly, Defendant fails to reference any portion of the vast record available in
14 this case to substantiate his claims, and he fails to cite to any case law to support said
15 allegations

16 The State argues that it should not be expected or required to anticipate or
17 formulate Defendant's arguments simply to oppose them when it is Defendant's burden
18 to support his assertions in a post-conviction petition with specific factual allegations,
19 which, if true, would entitle Defendant to the relief requested. *Hargrove v. State*, 100
20 Nev. 498, 502, 686 P.2d 222, 225 (1984).

21 Moreover, the State argues that Defendant has failed to meet his burden
22 pursuant to *Hargrove* and NRS 34.735 in that Defendant's claim is similarly devoid of
23 any specificity, argument and citation to the record and supporting case law.

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

25 NRS 176.165 states the following:

26 NRS 176.165 When plea of guilty, guilty but mentally ill or nolo
27 contendere may be withdrawn. Except as otherwise provided in this
28 section, a motion to withdraw a plea of guilty, guilty but mentally ill or
nolo contendere may be made only before sentence is imposed or
imposition of sentence is suspended. To correct manifest injustice, the
court after sentence may set aside the judgment of conviction and permit
the defendant to withdraw the plea.

A "motion to withdraw a plea of guilty... may be made only before sentence is
imposed or imposition of sentence is suspended." NRS 176.165 (2007). The Nevada

1 Supreme has held the District Court “may grant such motions for any substantial
2 reason if it is ‘fair and just.’” *Stevenson v. State*, 131 Nev. 598, 354 P.3d 1277 (2015),
3 citing to *State v. Second Judicial District Ct.*, 85 Nev. 381, 455 P.2d 923 (1969). When
4 reviewing a motion to withdraw a guilty plea, the district court “may not simply review
5 the plea canvass in a vacuum” and use the plea canvass itself as a “sole basis for
6 denying a motion to withdraw a guilty plea.” *Mitchell v. State*, 109 Nev. 137, 141, 848
7 P.2d 1060, 1062 (1993).

8 The Nevada Supreme Court has determined that challenges to a guilty plea are
9 collateral attacks and thus may only be made via a post-conviction petition for a writ of
10 habeas corpus. *Harris v. State*, 130 Nev. 435, 437, 329 P.3d 619, 621 (2014). In that
11 vein, the Court instructed lower courts on what they are required to do when a
12 defendant seeks to withdraw his plea via written motion: "In the case of future filings
13 and for any currently pending post-sentence motion to withdraw a guilty plea, the
14 district court should construe the motion to be a postconviction petition for a writ of
15 habeas corpus and require the defendant to cure any defects (filings not in compliance
16 with the procedural requirements of NRS Chapter 34) within a reasonable time period
17 selected by the district court." *Id.* at 448, 329 P.3d at 628.

18 Even viewing the Defendant’s Motion as a Petition for Writ of Habeas Corpus,
19 and even if it had been properly filed, the Court finds no good cause to allow Defendant
20 to withdraw his guilty plea. The evidence indicates that his plea was freely and
21 voluntarily made, and that he understood the nature of the offenses and the
22 consequences of his plea. At the sentencing hearing, the Court did not indicate to the
23 Defendant that the Court believed the Defendant did not commit the crime. The Court
24 indicated that it appreciated what the Defendant went through, and empathized with
25 the Defendant’s feeling that he had been disrespected because of his race. The Court
26 indicated that it felt bad for the Defendant because of his alleged mental illnesses. It
27 may be these feelings that resulted in the Court not sentencing the Defendant to the
28 amount of time requested by the State. The State requested a minimum of 20 years,
but the Court ultimately sentenced the Defendant to an aggregate term of 16-40 years.

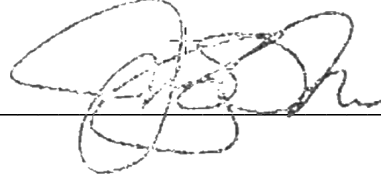
This Court finds no good cause to justify the Defendant’s withdrawal of his guilty
plea.

CONCLUSION/ORDER

1 Based upon the foregoing, and good cause appearing,
2 **IT IS HEREBY ORDERED** that Defendant's Motion to Withdraw Guilty Plea
3 is hereby DENIED.

4 The Court requests that the State prepare and process a Notice of Entry with
5 regard to this Order.

6 Dated this 16th day of February, 2022

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

9
10 7A8 23D 9A86 DE4D
11 Jerry A. Wiese
12 District Court Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-18-334567-1

7 vs

DEPT. NO. Department 30

8 Mohamed Mahmoud
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: 2/16/2022

15 Kristina Byrd

Kristina.Byrd@clarkcountynv.gov

16 Deputy Public Defender Clerk

pdclerk@clarkcountynv.gov

17 Department XXX

Dept30LC@clarkcountycourts.us

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 31, 2018

C-18-334567-1 State of Nevada
vs
Mohamed Mahmoud

August 31, 2018 11:00 AM Grand Jury Indictment

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 17A

COURT CLERK: Kimberly Estala

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Clowers, Shanon Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Keith Nelson, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 17CGJ110X to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-18-334567-1, Department XXX.

State requested a warrant, argued bail, and advised Deft is in custody. COURT ORDERED, \$500,000.00 BAIL with a Source Hearing, with House Arrest and Deft. is to surrender his passport; INDICTMENT WARRANT ISSUED, and matter SET for Arraignment.

COURT FURTHER ORDERED, Exhibits 1,2,6,8,10,11,12,36,41, and 42 to be lodged with the Clerk of the Court; Las Vegas Justice Court case no. 18F14914X DISMISSED per the State's request. In addition, a Pre-Trial Risk Assessment will be prepared if one was not previously done.

I.W. (CUSTODY)

09/11/18 8:30 A.M. INITIAL ARRAIGNMENT (DEPT XXX)

PRINT DATE: 03/17/2022

Page 1 of 16

Minutes Date: August 31, 2018

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 11, 2018

C-18-334567-1 State of Nevada
 vs
 Mohamed Mahmoud

September 11, 2018 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:	Bakhtary, Zohra	Attorney
	Mahmoud, Mohamed Abdalla	Defendant
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT. MAHMOUD ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, counsel has 21 days from the date of filing the Grand Jury Transcript to file a Writ.

CUSTODY

11/08/18 8:30 AM CALENDAR CALL

11/13/18 10:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 08, 2018

C-18-334567-1 State of Nevada
vs
Mohamed Mahmoud

November 08, 2018 8:30 AM Calendar Call

HEARD BY: Wiese, Jerry A.

COURTROOM: RJC Courtroom 14A

COURT CLERK: Natalie Ortega

RECORDED:

REPORTER: Kimberly Farkas

PARTIES

PRESENT: Bakhtary, Zohra Attorney
Mahmoud, Mohamed Abdalla Defendant

JOURNAL ENTRIES

- Stipulation to Continue Trial Date FILED IN OPEN COURT.

COURT NOTED the issue was Defendant invoked. Ms. Bakhtary advised at this point Defendant would waive. Upon Court's inquiry, Defendant acknowledged he would like to waive his right to a speedy trial. Court noted this was the first request for a trial continuance. COURT ORDERED, trial VACATED and RESET.

CUSTODY

2/14/19 8:30 AM CALENDAR CALL

2/19/19 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 27, 2018

C-18-334567-1 State of Nevada
 vs
 Mohamed Mahmoud

December 27, 2018 8:30 AM Motion to Continue Trial

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

COURT CLERK: Vanessa Medina

RECORDER:

REPORTER: Carrie Lewis

PARTIES

PRESENT: Bakhtary, Zohra Attorney
 Derjavina, Ekaterina Attorney
 Mahmoud, Mohamed Abdalla Defendant
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Ms. Bakhtary advised, this was an officer involved shooting, the evidence was being reviewed, and requested Trial be reset in late June. There being no objection by the State, COURT ORDERED, Motion GRANTED, Trial dates VACATED and RESET.

CUSTODY

06/20/19 8:30 AM CALENDAR CALL

06/24/19 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 28, 2019

C-18-334567-1 State of Nevada
 vs
 Mohamed Mahmoud

May 28, 2019 8:30 AM Entry of Plea

HEARD BY: Barker, David **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Vanessa Medina

RECORDER:

REPORTER: Kimberly Farkas

PARTIES

PRESENT: Bakhtary, Zohra Attorney
 Clowers, Shanon Attorney
 Mahmoud, Mohamed Abdalla Defendant
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Amended Indictment FILED IN OPEN COURT.

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. MAHMOUD ARRAIGNED AND PLED GUILTY TO COUNT 1,2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F), COUNT 3 - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON (F), and COUNT 4 - ASSAULT WITH A DEADLY WEAPON (F). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for Sentencing; Trial dates VACATED.

CUSTODY

07/18/19 8:30 AM SENTENCING

July 18, 2019

PRESENT:	Bakhtary, Zohra	Attorney
	Clowers, Shanon	Attorney
	Mahmoud, Mohamed Abdalla	Defendant
	State of Nevada	Plaintiff

Minutes Date: August 31, 2018

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 13, 2019

C-18-334567-1 State of Nevada
 vs
 Mohamed Mahmoud

August 13, 2019 8:30 AM Motion to Withdraw Plea

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

COURT CLERK: April Watkins
 Nylasia Packer

RECORDER: Vanessa Medina

REPORTER:

PARTIES

PRESENT:	Bradford, Krystal D.	Attorney
	Mahmoud, Mohamed Abdalla	Defendant
	Overly, Sarah	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted an email was received from Public Defender Zora Bakhtary indicating the Defendant wishes to withdraw his motion. COURT ORDERED, motion WITHDRAWN and sentencing date STANDS.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 29, 2019**

C-18-334567-1 State of Nevada
vs
Mohamed Mahmoud

August 29, 2019 8:30 AM Sentencing

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

COURT CLERK: Lauren Kidd

RECORDER: Vanessa Medina

REPORTER:

PARTIES

PRESENT:	Bakhtary, Zohra	Attorney
	Clowers, Shanon	Attorney
	Mahmoud, Mohamed Abdalla	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Colloquy regarding potential victim speakers. Ms. Bakhtary indicated there were no Stockmeier issues. DEFENDANT MAHMOUD ADJUDGED GUILTY of COUNT 1 & 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F), COUNT 3 - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON (F), and COUNT 4 - ASSAULT WITH A DEADLY WEAPON (F). State advised the State retained the right to argue. State inquired as to whether the Court received the State's sentencing memorandum and the video footage of the subject incident. Colloquy between the State and the Court regarding the Court watching the video footage before sentencing the Defendant. MATTER TRAILED.

MATTER RECALLED. Court advised the videos were reviewed by the Court. Argument by the State in support of Defendant being sentenced to Nevada Department of Corrections (NDC) on all 4 counts. Argument by Ms. Bakhtary that Defendant be given the minimum sentence with counts running concurrent or at least consecutive. Victim Speaker SWORN and TESTIFIED. Statement by

Defendant. Statement by the Court. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, WAIVED if previously imposed, \$3.00 DNA Collection fee, and a \$250.00 Indigent Defense Civil Assessment fee, Defendant SENTENCED.

As to COUNT 1 - to a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE term of a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC) for use of a Deadly Weapon;

As to COUNT 2 - to a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE term of a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC) for use of a Deadly Weapon, Count 2 to run CONCURRENT with Count 1;

As to COUNT 3- to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); COUNT 3 to run CONCURRENT with COUNT 2;

As to COUNT 4- to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); COUNT 4 to run CONCURRENT with COUNT 3,

for an TOTAL AGGREGATE SENTENCE of a MINIMUM of SIXTEEN (16) YEARS and a MAXIMUM of FORTY (40) YEARS in the Nevada Department of Corrections (NDC).

NDC

BOND, if any, EXONERATED.

CLERK'S NOTE: Subsequent to the hearing parties agreed DEFENDANT had THREE HUNDRED EIGHTY-FOUR (384) DAYS credit for time served. COURT SO ORDERED.

CLERK'S NOTE: The above Minute Order was amended to reflect the correct imposed sentence.//9/11/19 lk

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

May 14, 2020

C-18-334567-1 State of Nevada
vs
Mohamed Mahmoud

May 14, 2020 8:30 AM Motion to Withdraw Plea

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

COURT CLERK: Lauren Kidd

RECORDER: Vanessa Medina

REPORTER:

PARTIES

PRESENT:	Brooks, Parker	Attorney
	State of Nevada	Plaintiff
	Wells, Thomas M.	Attorney

JOURNAL ENTRIES

- Defendant not present, in Nevada Department of Corrections.

State advised the District Attorney's office was not served with the Motion, the Defendant had counsel and this was a fugitive document. The State indicated the Public Defender's office could withdraw and Defendant could proceed with Petition for Habeas corpus. Court advised the Court could allow the Public Defender's office to withdraw; so the Defendant could proceed pro se; however, there was insufficient evidence to support Defendant's Motion and the Defendant did not serve the State. Court advised the amended judgment of conviction was filed 09/11/19 and there was no notice of appeal on file at this time. State requested 30 days to respond to the Motion. COURT ORDERED, the following briefing schedule SET: State's Response due 06/11/20, Hearing CONTINUED to 07/23/20 at 8:30 a.m. Defendant to be transported for the next hearing.

NDC

CONTINUED TO: 07/23/20 8:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

July 23, 2020

C-18-334567-1 State of Nevada
vs
Mohamed Mahmoud

July 23, 2020 8:30 AM Motion to Withdraw Plea

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

COURT CLERK: Lauren Kidd

RECORDER: Trisha Garcia

REPORTER:

PARTIES

PRESENT: Cole, Madilyn M. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Defendant not present, in Nevada Department of Corrections.

Court advised the State filed an opposition to Defendant's motion to withdraw his plea. Court advised the Defendant claimed he was depressed, suicidal, without his medication and without good advice from counsel at the time he signed the plea. Court advised the Court reviewed the plea canvas and there did not appear to be any issues. Court advised the Court did not find any good cause to support the arguments that Defendant was making. COURT ORDERED Motion DENIED. Court noted the matter probably should be addressed through a Writ of Habeas Corpus. Court DIRECTED the State to file the Order.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 27, 2021

C-18-334567-1 State of Nevada
 vs
 Mohamed Mahmoud

December 27, 2021 3:00 AM Minute Order

HEARD BY: Wiese, Jerry A. **COURTROOM:** Chambers

COURT CLERK: Lauren Kidd

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- The above-referenced matter is scheduled for a hearing on 11/28/21 with regard to Defendant's "Motion to Withdraw Plead of Guilt." Pursuant to the Administrative Orders of the Court, as well as N.R.Cr.P. 8(2), this matter may be decided with or without oral argument. This Court has determined that it would be appropriate to decide this matter on the pleadings, and consequently, this minute order issues.

Defendant's Motion was e-filed by the Clerk of Court on 12/2/21. Defendant Mahmoud states that on 5/28/18, he signed a guilty plea agreement under a "very depressed mental status and suicidal and mood." He implies that he was not taking his anti-depressant medication and was not receiving mental health care. Additionally, the Defendant states he was not given good legal advice by his Public Defender when he entered a guilty plea. He states that his attorney told him if he took the deal, he would get the minimum sentence because he had a lack of criminal history. However, because he didn't receive the minimum sentence, he would like to withdraw his plea and be given the chance to go to trial.

The Court notes that the Defendant previously filed a similar motion in April 2020, which the Court

denied following a hearing on 7/23/20, after concluding it could not find any good cause to support the Defendant's arguments. The Court also noted that the matter probably should have been addressed through a Writ of Habeas Corpus. On 8/5/20, the Court entered a Findings of Facts and Conclusions of Law, formally denying the Motion.

In reviewing the information present and the record of the case, the Court Defendant has not raised issues or argument new or distinct from what was previously considered by the Court in 2020. Although the Court could deny the Motion on this basis, it appears the State was not served by the Defendant. Consequently, the Court has determined that a responsive pleading from the State would assist in its determination of this matter. Based on the forgoing and good cause appearing,

IT IS HEREBY ORDERED that the State shall file a responsive pleading, no later than 1/6/22, and the presently scheduled hearing of 12/28/21 with regard to Defendant's "Motion to Withdraw Plead of Guilt" has been CONTINUED to 1/25/22 at 8:30AM.

The Court will provide the District Attorney's Office with a copy of the foregoing Minute Order and a copy of the Defendant's Motion.

CLERK'S NOTE: A copy of the above minute order was distributed to all parties 12-27-21./ /lk

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 10, 2022

C-18-334567-1	State of Nevada
	vs
	Mohamed Mahmoud

March 10, 2022	8:30 AM	Motion to Withdraw as Counsel
----------------	---------	----------------------------------

HEARD BY: Wiese, Jerry A.

COURTROOM: RJC Courtroom 14A

COURT CLERK: Lauren Kidd

RECORDER: Vanessa Medina

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

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

COURT ORDERED, Motion GRANTED; Public Defender's office is WITHDRAWN as counsel for Defendant. Court DIRECTED Mr. Hubert to make sure the Defendant is sent a copy of his case file.

NDC

CASE NO. C-18-334567-1
DEPT. NO. XXX
CDDA DAVID STANTON (MVU)
CDDA SHANON CLOWERS

Defendant(s): MOHAMED ABDALLA MAHMOUD, #6093907

Case No(s): 17CGJ110X (RANDOMLY TRACKS TO DC XXIII & XXX)

Charge(s): (6) CTS - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031);
(2) CTS - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50205);
(4) CTS - ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201);
(1) CT - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony - NRS 205.060 - NOC 50426) and
(5) CTS - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE (Category B Felony - NRS 202.287 - NOC 51445)

Def. Counsel(s): PD

WARRANT (1 WEEK):

DEFT IS IN CUSTODY @ CCDC (18F14914X – PH 9/4 IN JC 2)

LVJC CASE TO BE DISM'D: 18F14914X

Exhibits:

- 1. Proposed Indictment**
- 2. CD/DVD**
- 3. Withdrawn**
- 4. Withdrawn**
- 5. Withdrawn**
- 6. Photo**
- 7. Withdrawn**
- 8. Photo**
- 9. Withdrawn**
- 10. Photo**
- 11. Photo**
- 12. Photo**
- 13. Withdrawn**
- 14. Withdrawn**
- 15. Withdrawn**
- 16. Withdrawn**
- 17. Withdrawn**
- 18. Withdrawn**
- 19. Withdrawn**
- 20. Withdrawn**

- 21. Withdrawn**
- 22. Withdrawn**
- 23. Withdrawn**
- 24. Withdrawn**
- 25. Withdrawn**
- 26. Withdrawn**
- 27. Withdrawn**
- 28. Withdrawn**
- 29. Withdrawn**
- 30. Withdrawn**
- 31. Withdrawn**
- 32. Withdrawn**
- 33. Withdrawn**
- 34. Withdrawn**
- 35. Withdrawn**
- 36. Photo**
- 37. Withdrawn**
- 38. Withdrawn**
- 39. Withdrawn**
- 40. Withdrawn**
- 41. Photo**
- 42. Photo**

Exhibits 1, 2, 6, 8, 10, 11, 12, 36, 41 and 42 to be lodged with the Clerk of the Court.
Exhibits 3-5, 7, 9, 13-35 and 37-40 withdrawn by DA.



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

MOHAMED ABDALLA MAHMOUD #1222377
P.O. BOX 208
INDIAN SPRINGS, NV 89070

DATE: March 17, 2022
CASE: C-18-334567-1

RE CASE: STATE OF NEVADA vs. MOHAMED ABDALLA MAHMOUD

NOTICE OF APPEAL FILED: March 16, 2022

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 *for Order filed 02/16/2022*

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; DESIGNATION OF RECORD ON APPEAL; DISTRICT COURT DOCKET ENTRIES; ORDER RE: DEFENDANT'S MOTION TO WITHDRAW PLEA OF GUILTY; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

MOHAMED ABDALLA MAHMOUD,

Defendant(s).

Case No: C-18-334567-1

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 17 day of March 2022.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

March 17, 2022

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: STATE OF NEVADA vs. MOHAMED ABDALLA MAHMOUD
D.C. CASE: C-18-334567-1

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed March 16, 2022. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

February 15, 2022

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton
Amanda Hampton, Deputy Clerk