

IN THE SUPREME COURT OF THE STATE OF NEVADA

MOHAMED ABDELLA MAHMOUD,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Electronically Filed
Mar 31 2022 02:10 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No: C-18-334567-1

Docket No: 84408

RECORD ON APPEAL VOLUME 2

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ATTORNEY FOR RESPONDENT
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1 COUNT 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill B.
3 BUNITSKY, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at
4 the said B. BUNITSKY with a firearm.

5 COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

6 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
7 AMANDA DAVIS, a human being, with use of a deadly weapon, to wit: a firearm, by
8 shooting at the said AMANDA DAVIS with a firearm.

9 COUNT 3 - ASSAULT ON A PROTECTED PERSON WITH USE OF A
10 DEADLY WEAPON

11 did willfully, unlawfully, feloniously and intentionally place another person in
12 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully
13 attempt to use physical force against another person, to wit: A. BACA, a protected person
14 employed as a Las Vegas Metropolitan Police Department Officer, while A. BACA was
15 performing his duties as a Las Vegas Metropolitan Police Department Officer, which
16 Defendant knew, or should have known, that A. BACA was a Las Vegas Metropolitan Police
17 Department Officer, with use of a deadly weapon, to wit: a firearm, by shooting at the said
18 Officer A. BACA with a firearm.

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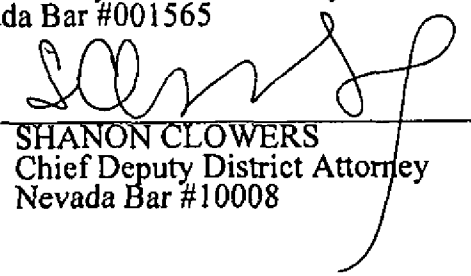
28 ///

1 COUNT 4 - ASSAULT WITH A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and intentionally place another person in
3 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully
4 attempt to use physical force against another person, to wit: JOSE TREJO and/or PATRICK
5 FRISBY, with use of a deadly weapon, to wit: a firearm, by shooting at the said ~~JOSE TREJO~~ ^{PATRICK FRISBY}
6 and/or JOSE TREJO with a firearm.

7 STEVEN B. WOLFSON
8 Clark County District Attorney
9 Nevada Bar #001565

10 BY


11 SHANON CLOWERS
12 Chief Deputy District Attorney
13 Nevada Bar #10008
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27 17CGJ110X/18F14914X/cmj/L3
28 LVMPD EV# 1808112712
(TK2)

Steven D. Grierson

1 ORDER
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 309 South Third Street, Suite #226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

8 DISTRICT COURT, LAS VEGAS
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

CASE NO. C-18-334567-1

DEPT. NO. XXX

12 MOHAMED ABDALLA MAHMOUD,

13 Defendant.

14 ORDER

15 THIS MATTER having come before the Court on May 28, 2019 and good cause
16 appearing therefor,

17 IT IS HEREBY ORDERED that the ARGO Group and its subsidiaries to include the
18 medical facility that treated Mohamed Abdalla Mahmoud, DOB 6/26/81, SS# xxx-xx-5504 may
19 discuss and shall provide any and all records relating to any admissions including but not limited to
20 Mr. Mahmoud's treatment, prognosis, diagnosis, placement, medical/psychiatric records, benefits,
21 and release plan to any representative of the Clark County Public Defender's Office, Zohra
22 Bakhtary, Thomas Wells, Douglas Henke, and/or Kimberly Paddio, MSW.

23 DATED 10th day of June, 2019.

24 *[Signature]*
25 DISTRICT COURT JUDGE

26 Submitted by:

27 Darin Imlay
28 CLARK COUNTY PUBLIC DEFENDER

By *[Signature]*
ZOHRA BAKHTARY, #12324
Deputy Public Defender

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CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing ORDER was served via electronic e-filing to the ARGO GROUP on this 10th day of June, 2019.

By: _____
ARGO GROUP

By: /s/ Kristina Byrd
Employee of the Public Defender's Office

Case Name: Mohamed Mahmoud
Case No.: C-18-334567-1
Dept. No.: XXX

**THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
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WILL FOLLOW VIA
U.S. MAIL**



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Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

| | | |
|----------------------|---|------------------------|
| THE STATE OF NEVADA, |) | |
| |) | |
| Plaintiff, |) | CASE NO. C-18-334567-1 |
| |) | |
| v. |) | DEPT. NO. XXX |
| |) | |
| MOHAMED A. MAHMOUD, |) | |
| |) | |
| Defendant, |) | |
| _____ |) | |

SENTENCING MEMORANDUM

COMES NOW, Defendant, MOHAMED A. MAHMOUD, through counsel, ZOHRA BAKHTARY, Chief Deputy Public Defender and hereby submits this Sentencing Memorandum.

This Memorandum is made and based upon all the papers and pleadings on file herein and the Points and Authorities, and oral argument at the time set for the sentencing.

DATED this 11th day of July, 2019.

DARIN IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Zohra Bakhtary
ZOHRA BAKHTARY, #12324
Deputy Public Defender

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ZOHRA BAKHTARY makes the following declaration:

I am an attorney licensed to practice law in the State of Nevada and I am a Public Defender for the Clark County Public Defender's Office, counsel of record MOHAMED A. MAHMOUD, in the present matter;

2. I am more than 18 years of age and am competent to testify as to the facts stated herein. I am familiar with the procedural history of the case and the substantive law applicable to the facts stated herein. I am familiar with the facts stated herein and the law applicable to the facts stated herein by The State of Nevada. I also have personal knowledge of the facts stated herein and believe them to be true. I have been informed of these facts and believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct. (NRS

EXECUTED this 11th day of July, 2019.

/s/ Zohra Bakhtary
ZOHRA BAKHTARY

MEMORANDUM

NATURE & CIRCUMSTANCES OF THE INSTANT OFFENSE

On August 11, 2018, at approximately 1615 hours, Las Vegas Metropolitan Police Department (hereinafter "LVMPD") received several 911 calls in reference to a person who was shooting inside of the Ross Dress for Less store (hereinafter "Ross") located at 4000 Blue Diamond Rd., Las Vegas, NV. Officer Bunitsky was one of the first officers to arrive at the scene. He parked his vehicle in front of the Target store, adjacent to Ross. He observed Mohamed Mahmoud (hereinafter "Mohamed") standing in front of Ross. Per the police report, Mohamed shot his weapon in the direction of Officer Bunitsky. Officer Bunitsky responded by shooting at Mohamed five times. Mohamed was struck by four of the shots, causing him to fall to the ground and lose consciousness. Mohamed was transported to the University Medical Center, where he was immediately taken into surgery. During the investigation, LVMPD officers learned that no patrons and/or officers were injured from Mohamed's gunfire.

Mohamed survived the shooting and was criminally charged with multiple counts of Attempt Murder with Use of a Deadly Weapon, Assault with Use of a Deadly Weapon and Discharging a Firearm within a Structure. On May 28, 2019, Mohamed pled guilty to the following counts:

- Count 1: Attempt Murder with Use of a Deadly Weapon;
- Count 2: Attempt Murder with Use of a Deadly Weapon;
- Count 3: Assault on a Protected Person with Use of a Deadly Weapon; and
- Count 4: Assault with Use of a Deadly Weapon, a category B felony.

ARGUMENT

This case is a perfect example of a desperate man making a decision which would change the entire course of his life and the life of his family members. Counsel is asking this Court to

1 consider all factors in making a sentencing determination: not only the facts of the present case,
2 but also other factors detailed below.

3 Childhood

4 Mohamed is a native of Egypt. He grew up in Cairo in a traditional Muslim family.
5 Mohamed was the first of three children born to his parents. His father worked for the
6 government and his mother worked outside the home as a secretary.

7
8 Mohamad's father was a stern disciplinarian. Discipline was handed down swiftly and
9 brutally in his family as in many traditional Egyptian households. Physical punishments
10 consisted of what could only be described as beatings intended to correct any misbehavior by
11 children. His father was a good but tough man who could be unkind, but his childhood was no
12 different than that of other male children in his culture.

13
14 Mohamed was raised very traditionally with a strong work ethic and sense of personal
15 responsibility. As the oldest male child, Mohamed took on many responsibilities related to his
16 two younger siblings throughout his childhood and into adulthood. That responsibility took on
17 new meaning with the death of his father in 2008. After his father's passing Mohamed became
18 the head of his family's household, responsible for the care and keeping of widowed mother,
19 younger sister and younger brother. See Exhibit A: Family Photographs.

20 Work and Education in Egypt

21
22 Mohamed comes from a very well-educated and hard-working family. As such,
23 Mohamed and his siblings were always encouraged to obtain an education. Mohamed did well
24 in school and worked his way through college, earning his degree. After completing college
25 Mohamed served the first of what would be several years of mandatory military service. Military
26 service is required of all able-bodied Egyptians, an obligation that remains in effect for 15 years.

1 While serving in the military, Mohamed was trained as a marksman. He was called periodically
2 for marksman training over the next several years.

3 Mohamed had a dream to change the political corruption in the country. The only way he
4 knew how to was by continuing with his education and going to law school. Mohamed
5 completed law school and obtained his license to practice law. Mohamed practiced criminal,
6 civil, and family law in a small firm for four years. See Exhibit B – Bar Card.

7
8 Mohamed and his younger brother were the sole financial caregivers for their entire
9 family. By combining their resources, the two men were able to maintain the single-family home
10 they all shared. In 2011, just as they began to settle into their new normal lifestyle, the Egyptian
11 “revolution” ignited as citizens took to the streets in violent clashes to overthrow Egyptian
12 President Mubarak, who was known to be a dictator. The civil turbulence of the revolution went
13 on for years, the economy collapsed, police left their posts, and businesses could not operate
14 because gangs owned the streets. The country turned upside down amid the revolution. Not only
15 did Mohamed’s law firm shut down removing his ability to provide for his family, but he was
16 also traumatized by the death of two of his best friends who were killed during the war. During
17 this time, Mohamed began exhibiting signs of an underlying mental illness.

18 Marriage

19
20 In 2010, Mohamed met Gladys Mahmoud through online dating. Gladys was residing in
21 the United States when they met. The two began a dating relationship. Gladys traveled to Egypt
22 several times to visit Mohamed. During this period the pair fell in love and decided to marry.
23 Mohamed wanted Gladys to move to Egypt. However, Gladys did not feel safe residing in Egypt
24 due to the violence from the war. Mohamed then, because of his love for Gladys made the
25 sacrifice to leave his native Egypt and join Gladys in the United States. The two began a three-
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1 year long immigration process. His plan was to move to the United States, find employment, and
2 send money to his family to continue to financially support them.

3 Immigration Status

4 Mohamed legally immigrated to the United States. Prior to this incident, he was in the
5 process of obtaining his citizenship. While he is a green-card holder, he is not a citizen.
6 Therefore, he is subject to deportation.
7

8 Life in America

9 Mohamed found it difficult to secure gainful employment in the United States. His
10 credentials to practice law in Egypt did not allow him to practice law in the United States, and
11 therefore, he found himself unable to work in his beloved legal field. Ever the provider,
12 Mohamed took work wherever he could, convenience stores and the like. To make ends meet the
13 couple started a small online clothing business while living in California. The business did not do
14 well. The couple could not survive without Mohamed gaining full time employment. He took
15 work as a cook, and anything else he could get part-time while he papered the town with job
16 applications in search of work.
17

18 Mental Illness

19 The lack of success and repeated failure began to take a toll on Mohamed, he fell into a
20 depression. He was able to seek medical treatment through his wife's insurance. He was
21 diagnosed with uncontrolled depression and anxiety. The Mahmouds were able to pay the co-pay
22 to see the doctor, however they were not always able to pay for medications prescribed to treat
23 his mental or physical health conditions. See Exhibit C – Kaiser Permanente Records.
24

25 The Diagnostic and Statistical Manual of Mental Disorders (DSM), published by
26 the American Psychiatric Association (APA), offers a common language and standard criteria for
27
28

the classification of mental disorders.¹ Mohamed carries a DSM-V diagnosis of Major Depressive Disorder. The Major Depressive Disorder (MDD) also known as Clinical Depression is characterized by the following symptoms:

“A depressed person may gain or lose weight, eat more or less than usual, have difficulty concentrating, and have trouble sleeping or sleep more than usual. He or she may feel tired and have no energy for work or play. Small burdens or obstacles may appear impossible to manage. The person can appear slowed down or agitated and restless. The symptoms can be quite noticeable to others.”²

“A particularly painful symptom of this illness is an unshakable feeling of worthlessness and guilt. The person may feel guilty about a specific life experience or may feel general guilt not related to anything in particular. If pain and self-criticism become great enough, they can lead to feelings of hopelessness, self-destructive behavior, or thoughts of death and suicide.”³

“During a major depressive episode, thinking can get out of step with reality. The person has “psychotic symptoms” such as false beliefs (delusions) or false perceptions (hallucinations).”⁴

After multiple failed attempts to find steady work and battling depression in California the couple decided to move to Nevada in hopes of better prospects and a fresh start. Mohamed had become more stable on his depression medication regime and was ready to tackle new challenges. Mohamed continued to stay on top of his Major Depressive Disorder while in California as this condition was covered by insurance to assist with his doctor visits and medication costs.

The couple arrived in Nevada and Mohamed immediately began looking for work. He would take any job offered to him to provide for his family. Most of the jobs he qualified for

¹ American Psychiatric Association. (2013). Anxiety Disorders. In *Diagnostic and statistical manual of mental disorders* (5th ed.). Retrieved from

<https://doi.org/10.1176/appi.books.9780890425596.dsm05>

² Harvard Medical School, Harvard Health Publishing. (2019) *Depression Overview*. Retrieved from https://www.health.harvard.edu/a_to_z/depression-overview-a-to-z

³ Harvard Medical School, Harvard Health Publishing. (2019) *Depression Overview*. Retrieved from https://www.health.harvard.edu/a_to_z/depression-overview-a-to-z

⁴ Harvard Medical School, Harvard Health Publishing. (2018) *Major Depression*. Retrieved from https://www.health.harvard.edu/a_to_z/major-depression-a-to-z

1 paid minimum wage despite his education in his native country. Again, he struggled, and his
2 depressive symptoms returned and magnified.

3 Suicide Attempts

4 Mohamed was very aware of the fact that his mental illness was worsening over time. As
5 such, he continued to visit his doctor regularly. However, there were times when he simply could
6 not afford his medication because the Mahmouds were living paycheck to paycheck. Mohamed
7 recalls times when he had to choose between having food to eat or paying for his medication.

8
9 In June 2017, Mohamed could not afford his medication. It was during this time that his
10 mental illness got so severe that Mohamed attempted to take his own life. On June 12, 2017,
11 Mohamed was hospitalized at Spring Mountain Treatment Center on a legal 2000-involuntary
12 hold because he tried to kill himself by taking an entire bottle of diabetes medication
13 (Metformin) along with a bottle of Tylenol tablets. At the time of the suicide attempt, he no
14 longer had any of the Paxil depression medication that had been controlling his symptoms.
15 Mohamed remained under suicide watch from June 12, 2017 to June 21, 2017. Generally, a legal
16 2000 hold is only permitted for a period of 48 hours, unless it is a severe case. In Mohamed's
17 case he was in an involuntary / suicide hold for ten days. See Exhibit D – Spring Mountain
18 Treatment Center Records.

19
20 This would not be the last time Mohamed would attempt to kill himself.

21 The Ross Incident

22
23 When Mohamed secured the job at Ross he was relieved because it paid more than he had
24 ever earned at any of his previous positions since coming to America. At Ross, he earned \$12.00
25 an hour, which he described as "a big deal for me." He finally felt a glimmer of hope and he was
26 determined to keep it.

1 While working at Ross, Mohamed "felt the racism" leveled at him daily. It came in the
2 form of snide comments, jokes, disrespect and belittling. Mohamad stated that when he voiced
3 his hurt people would tell him to just suck it up. Mohamed tried to do just that because "I said to
4 myself I'm not leaving my job. If I have to leave my job I will leave this world."

5 On August 11, 2018, Mohamed reported to his job. Upon arrival he attempted to discuss
6 a situation related to the shopping carts with his supervisor. During this time, his supervisor,
7 screamed at him in a degrading manner in front of other employees and customers, which ignited
8 a verbal argument between the two. One witness, Luz Valentine, who was interviewed by the
9 Clark County Public Defender's office investigator Doug Henke, stated that during the argument
10 Mohamed was overheard saying "you cannot talk to people like that." Valentine further stated
11 that the comments made by the manager were related to nationality and were possibly racist from
12 both parties.
13

14 The belittling, screaming, yelling and degrading pushed him to a point of no return.
15 Mohamed made the decision to end his life. At this moment, Mohamed had a complete mental
16 breakdown. He truly felt as though he had tried his whole life to be a good person, a kind person,
17 a hard-working person, but had failed at every step. And now, he had once again lost his job, his
18 source of income, and his ability to financially support his wife, widowed mother, sister and
19 brother. He lost all hope.
20

21 In Mohamed's religious believes, suicide by your own hands is forbidden. Mohamed shot
22 16 rounds inside and outside of Ross. Mohamed is a trained military marksman. If he truly
23 wanted to hurt someone, he would have been able to do so successfully. Despite being a trained
24 military marksman, shooting 16 rounds in a confined space full of patrons and employees, not a
25 single person was shot. Even when the officers arrived at the scene, Mohamed fired the shots
26 towards the side of the officer's vehicle, attempting to avoid hitting the officer. Mohamed was
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1 simply attempting to commit suicide. His intention was not to hurt anyone. He was desperate to
2 end his own life.

3 Conclusion

4 It is unknown, even by experts, what the actual cause of mental illness is. Some scholars
5 and doctors believe that mental illness is a genetic disease which a person is born with. Others
6 believe that mental illness is triggered after a traumatic event. In Mohamed's case, it is believed
7 that his mental illness was caused by several traumatic life events that Mohamed went through. It
8 started with his father's passing. As an adolescent he was forced to become the head of his
9 household. He did not choose a life of crime to make money the easy way, rather, Mohamed
10 worked hard and went to law school. Over the years, Mohamed practiced as a lawyer. Again, the
11 pressures associated with practicing law contributed to his later development of mental illness.
12 Thereafter, the war in Egypt caused Mohamed to lose his job, his ability to support his family
13 and his two best friends. The final straw which broke the camel's back was the continuous
14 racism he faced in the United States. All these factors contributed to the mental breakdown
15 Mohamed experienced on August 11, 2018.
16

17
18 Gladys Mahmoud describes her husband as a very intelligent, kind, proud and hard-
19 working man. Mohamed is truly loved by his family and friends. This is evidenced by the letters
20 of support attached.

21 See Exhibit E – Letter of Support from Jason Mann.

22 See Exhibit F – Letter of Support from Mohamed's mother and siblings (and translation).

23 See Exhibit G – Letter of Support from Gladys Mahmoud.

24 Mohamed understands the wrongful nature of his actions. He has accepted responsibility
25 in the present case by pleading guilty. The Department of Parole and Probation (hereinafter "the
26 Department") recommends the following sentence:

- 27 • Count 1: Attempt Murder with Use of a Deadly Weapon: 36 to 120 + consecutive
28 sentence of 36 to 96 – total sentence of 72 to 216;

- Count 2: Attempt Murder with Use of a Deadly Weapon: 36 to 120 + consecutive sentence of 36 to 96 – total sentence of 72 to 216;
- Count 3: Assault on a Protective Person with Use of a Deadly Weapon: 12 to 48
- Count 4: Assault with Use of a Deadly Weapon: 12-48

The Department recommends that all the above sentences run consecutively, for a total sentence of 168 months to 582 months (14 to 48 years). Federally, it costs an average of \$99.45 per day to house an inmate in prison.⁵ If this Court were to follow the recommendation of the Department, it would cost \$508,189.50 to \$1,742,364.00 to house Mohamed. It should be noted that Mohamed is not a United States' citizen. After having pled guilty to the above listed charges, Mohamed will certainly be deported after the completion of his sentence. Counsel asks this Court to sentence Mohamed as follows:

- Count 1: Attempt Murder with Use of a Deadly Weapon: 24 to 60 + consecutive sentence of 12 to 60 – total sentence of 36 to 120;
- Count 2: Attempt Murder with Use of a Deadly Weapon: 24 to 60 + consecutive sentence of 12 to 60 – total sentence of 36 to 120;
- Count 3: Assault on a Protective Person with Use of a Deadly Weapon: 12 to 48
- Count 4: Assault with Use of a Deadly Weapon: 12-48

Counsel asks the Court to run each of the sentences concurrently. If this Court is not inclined to run each of the sentences concurrently, then Counsel requests that count one and count two be ran concurrently and count three and count four be ran consecutively. After the conclusion of his sentence Mohamed will simply be deported back the Egypt and will not be permitted to return to the United States.

DATED this 11th day of July, 2019.

DARIN IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Zohra Bakhtary
ZOHRA BAKHTARY, #12324
Deputy Public Defender

⁵ Ken Hyle. (2018) Department of Justice, Federal Register. *Annual Determination of Average Cost of Incarceration* (Vol. 83, No. 83)

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- 26
- 27
- 28

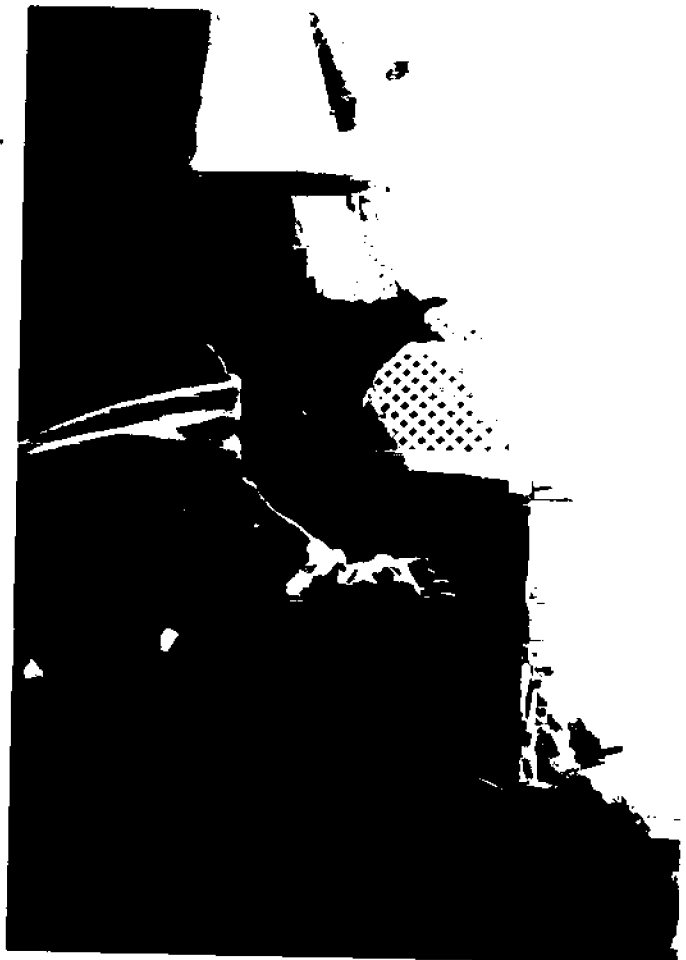
By: /s/Kristina Byrd
An employee of the
Clark County Public Defender's Office

Exhibit A

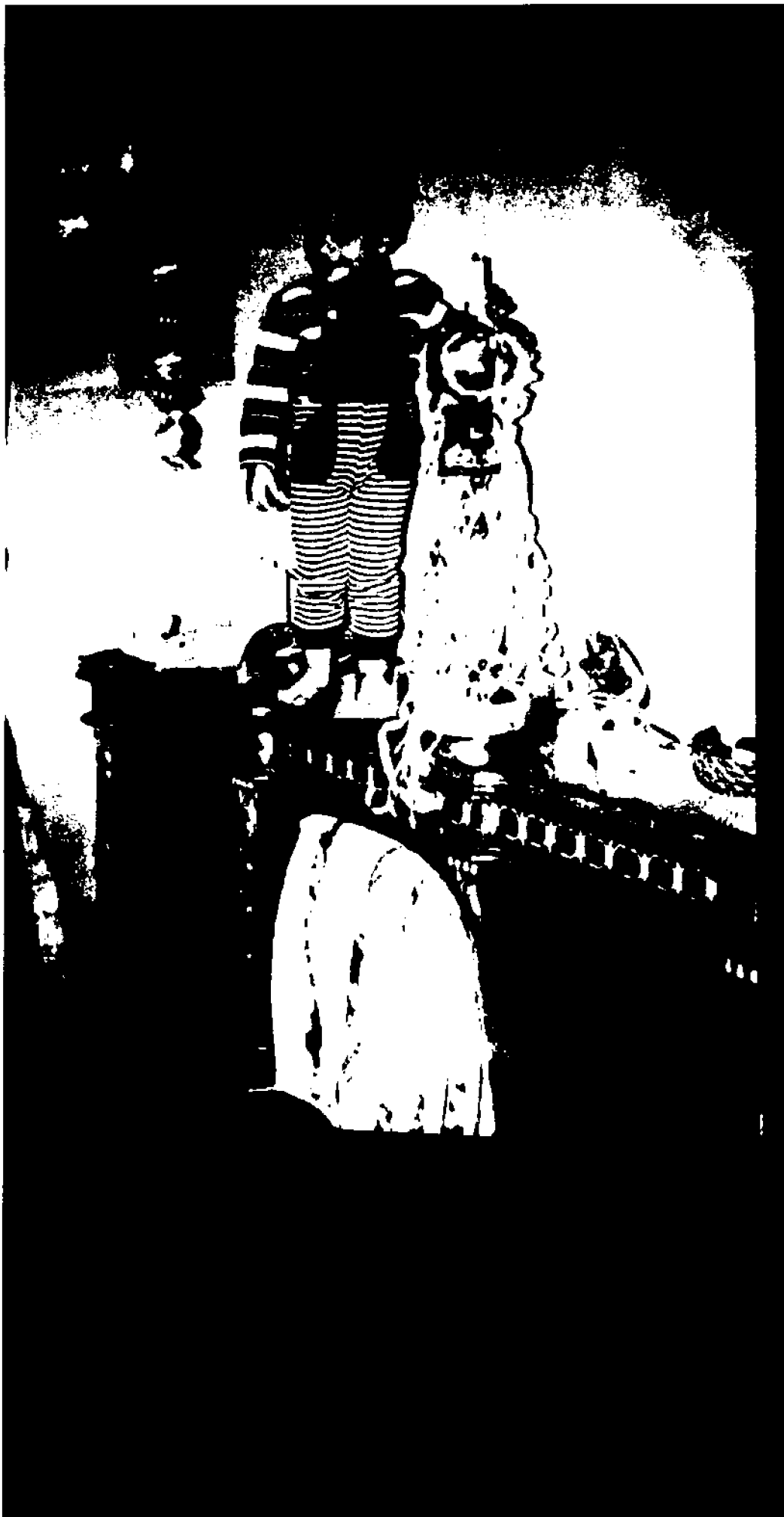


















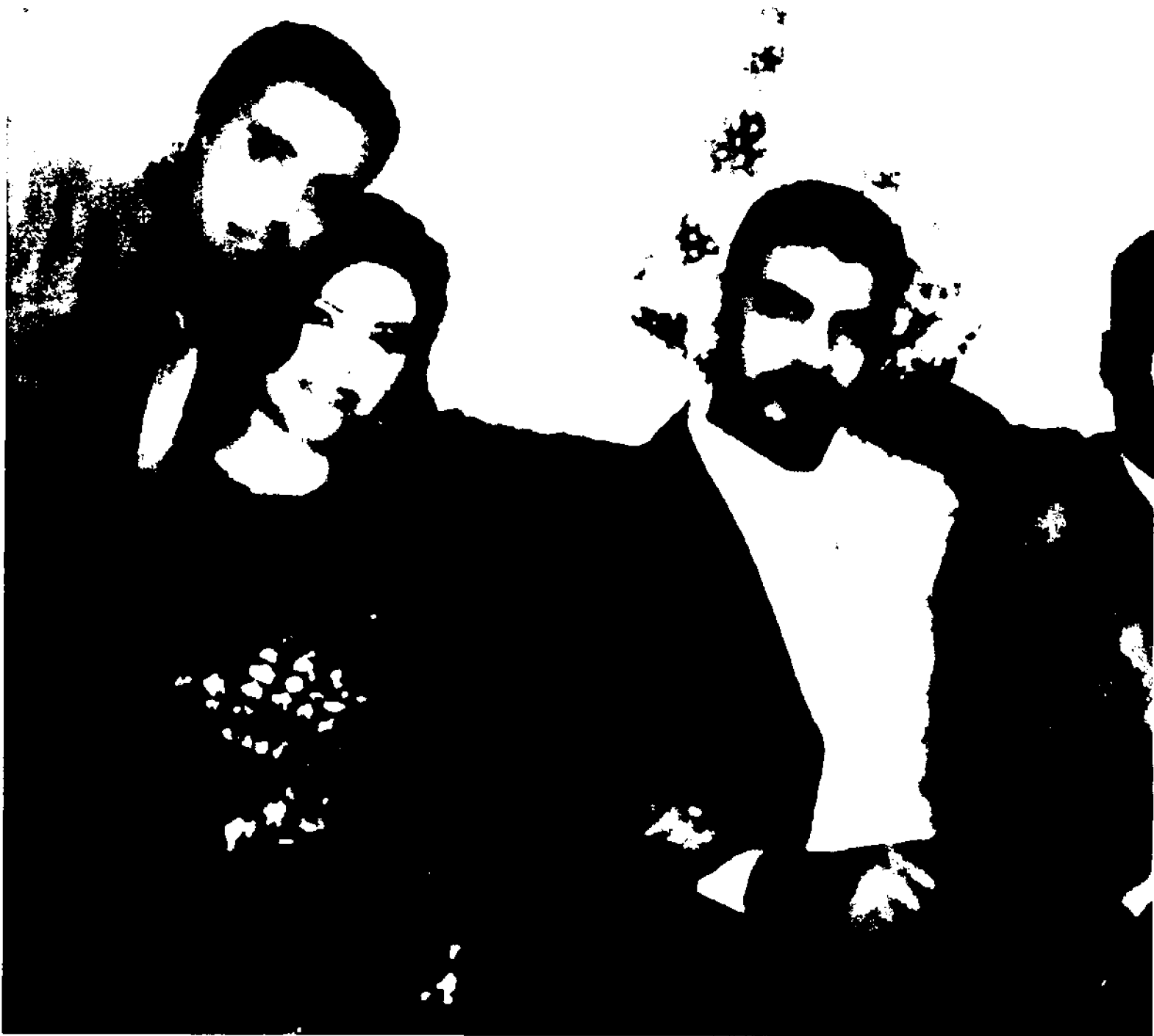
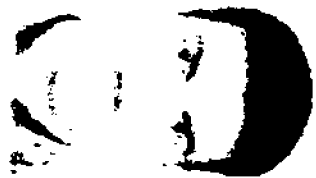


Exhibit B



FD5710548

٢٨١٠٦٢٦٠٠٠٥٩٧



وحده مرور فيمصل
رخصه قيادة خاصة
٢٠٦٧٤١٥

جمهورية مصر العربية
وزارة الداخلية
مروور الجيزة
محمد عبدالله
محمود محمود
محمدي
مجلس حسام الحقوق
اللقب المكنون

بطاقة عضوية E-٢١
استئناف

نادية المحامين
BAR ASSOCIATION EGYPT

الإستئناف: محمد عبد الله محمود

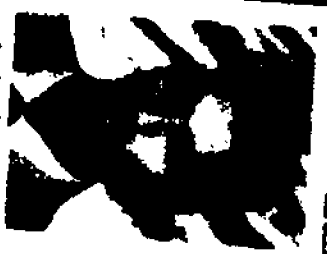
محلل محمود

رقم القيد: ٢٦٨٥٩٩

استئناف: ٢٠١٢/٠٣/٢٨

رقم قومي: ٢٨١٠٦٢٦٠١٠٠٥٩٧

العنوان: رقم ٢٧ ش نور الصباح من محمد
عبد الظاهر لرض اللواء فيمصل
سبع عشر المحرم



نقيب المحامين



الإستئناف: محمد عبد الله محمود

محمود

رقم القيد: ٢٦٨٥٩٩

استئناف: ٢٠١٢/٠٣/٢٨

رقم قومي: ٢٨١٠٦٢٦٠١٠٠٥٩٧

العنوان: رقم ٢٧ ش نور الصباح من محمد
عبد الظاهر لرض اللواء فيمصل
سبع عشر المحرم



محلل

Exhibit C

KAISER PERMANENTE

RIVERSIDE MEDICAL
CENTER U
10800 MAGNOLIA AVE
RIVERSIDE CA 92505-3043
SCAL HIM ROI ALMR

Mahmoud, Mohamed A
MRN: 000021583034, DOB: 6/26/1981, Sex: M
Encounter date: 4/5/2016

Telephone Appointment Visit - Allied Health/Nurse Visit
4/5/2016

Mohamed A Mahmoud
MRN: 000021583034

Visit Information

| | | | | |
|---------------------------------|---|-----------------------------|-----------------------------|--------------------------|
| Date & Time 4/5/2016 3:00 PM | Provider Castellanos, Maria Blanco (R.N.), R.N. | Department COMPLETE CARE | Dept. Phone 951-353-4474 | Encounter # 291742684 |
|---------------------------------|---|-----------------------------|-----------------------------|--------------------------|

Reason for Call/Visit

CARE MGMT. DEPRESSION
DEPRESSION SCREENING

Call Documentation

No notes of this type exist for this encounter.

Progress Notes

Castellanos, Maria Blanco (R.N.), R.N. at 4/5/2016 4:50 PM

Author Type: REGISTERED NURSE Status: Signed

Depression Care Management Program Note:

Called patient for antidepressant medication compliance and follow up. Needs PHQ-9

Taking Medication:

Yes

Side Effects

No

PHQ-9 Score :

PHQ9 Adult All Scores Only

4/5/2016

PHQ9 Severity (OfficeVis)

C) 10 -14 MODERATE

PHQ9 Total Score (CareMgr)

11

Assessment

Patient is having a hard time dealing with is pain. Per member he has upper and lower pain. He is not able to sand on his feel becaue they swell easily. He used to be a lawyer in Egypt and now is working as a merchant. Admits to wanting to die, but he denies any suicidal plan, no homicidal ideation.

PLAN:

1. Member was encouraged to continue medicaiton use and to notify Salman, George A (D.O.) if any side effects.
- 2.

Future Appointments

Kaiser Permanente

Page 266

KAISER PERMANENTE

OCEANSIDE RANCH
MEDICAL OFFICE/U
1302 ROCKY POINT DR
OCEANSIDE CA 92056-5864
AMB ENC ROI Legal Record

Mahmoud, Mohamed A
MRN: 000021583034, DOB: 6/26/1981, Sex: M
Encounter date: 3/10/2015

MEDICATIONS (continued)

Medications the Patient Reported Taking (continued)

Prescriptions Ordered This Encounter

| | Disp | Refills | Start | End |
|--|------|---------|-----------|-----------|
| ALPRAZolam (XANAX) 0.5 mg Oral Tab | 60 | 0/0 | 3/10/2015 | |
| Sig: Take 1 tablet by mouth 2 times a day as needed for anxiety | | | | |
| Class: Fill Now | | | | |
| Route: Oral | | | | |
| Patient Label Sig: Take 1 tablet by mouth 2 times a day as needed for anxiety | | | | |
| PARoxetine (PAXIL) 20 mg Oral Tab (Discontinued) | 30 | 0/3 | 3/10/2015 | 7/27/2015 |
| Sig: Take 1 tablet by mouth daily | | | | |
| Class: Fill Only | | | | |
| Route: Oral | | | | |
| Patient Label Sig: Take 1 tablet by mouth daily | | | | |
| Reason for Discontinuation: Continue Therapy | | | | |
| metFORMIN (GLUCOPHAGE) 500 mg Oral Tab (Discontinued) | 200 | 1/3 | 3/10/2015 | 3/23/2016 |
| Sig: Take 1 tablet by mouth 2 times a day with meals | | | | |
| Class: Fill Now | | | | |
| Route: Oral | | | | |
| Patient Label Sig: Take 1 tablet by mouth 2 times a day with meals | | | | |
| Reason for Discontinuation: Continue Therapy | | | | |
| Omeprazole Magnesium 20 mg Oral CPDR SR Cap (Discontinued) | 28 | 0/0 | 3/10/2015 | 3/23/2016 |
| Sig: Take 1 capsule by mouth 2 times a day 30 minutes before meals for 10 days for H. Pylori | | | | |
| Class: Fill Now | | | | |
| Notes to Pharmacy: Interactional Rx | | | | |
| Route: Oral | | | | |
| Patient Label Sig: Take 1 capsule by mouth 2 times a day 30 minutes before meals for 10 days for H. Pylori | | | | |
| Reason for Discontinuation: Continue Therapy | | | | |
| Clarithromycin (BIAxin) 500 mg Oral Tab (Discontinued) | 20 | 0/0 | 3/10/2015 | 3/23/2016 |
| Sig: Take 1 tablet by mouth 2 times a day for 10 days for H. Pylori | | | | |
| Class: Fill Now | | | | |
| Route: Oral | | | | |
| Patient Label Sig: Take 1 tablet by mouth 2 times a day for 10 days for H. Pylori | | | | |
| Amoxicillin 500 mg Oral Cap | 40 | 0/0 | 3/10/2015 | 5/9/2015 |
| Sig: Take 2 capsules by mouth 2 times a day with food for 10 days for H. Pylori | | | | |
| Class: Fill Now | | | | |
| Route: Oral | | | | |
| Patient Label Sig: Take 2 capsules by mouth 2 times a day with food for 10 days for H. Pylori | | | | |
| metronIDAZOLE (FLAGYL) 500 mg Oral Tab | 20 | 0/0 | 3/10/2015 | 5/9/2015 |
| Sig: Take 1 tablet by mouth 2 times a day with food for 10 days for H. Pylori | | | | |
| Class: Fill Now | | | | |
| Route: Oral | | | | |
| Patient Label Sig: Take 1 tablet by mouth 2 times a day with food for 10 days for H. Pylori | | | | |
| Blood Glucose Meter with Device (ONETOUCH VERIO IQ METER) | 1 | 0/0 | 3/10/2015 | 3/9/2019 |
| Misc Kit | | | | |
| Sig: Use as directed to test blood sugar | | | | |
| Class: Fill Now | | | | |
| Route: Miscell. (Med.Supl.;Non-Drugs) | | | | |
| Patient Label Sig: Use as directed to test blood sugar | | | | |
| Blood Sugar Test (ONETOUCH VERIO) Misc Strips (Discontinued) | 100 | 3/3 | 3/10/2015 | 5/16/2016 |
| Sig: USE AS DIRECTED WITH BLOOD GLUCOSE METER FROM ONE TOUCH VERIO FAMILY OF METERS | | | | |
| Class: Fill Now | | | | |
| Route: Miscell. (Med.Supl.;Non-Drugs) | | | | |
| Patient Label Sig: USE AS DIRECTED WITH BLOOD GLUCOSE METER FROM ONE TOUCH VERIO FAMILY OF METERS | | | | |
| Reason for Discontinuation: Continue Therapy | | | | |
| Lancets (ONETOUCH DELICA LANCETS) 30 gauge Misc Misc | 100 | 3/3 | 3/10/2015 | 3/9/2019 |
| Sig: Use as directed to test blood sugar. For use with Delica Lancing device | | | | |
| Class: Fill Now | | | | |
| Route: Miscell. (Med.Supl.;Non-Drugs) | | | | |
| Patient Label Sig: Use as directed to test blood sugar. For use with Delica Lancing device | | | | |
| Container (SHARPS CONTAINER) Misc Misc (Discontinued) | 1 | 0/0 | 3/10/2015 | 3/23/2016 |
| Sig: Use for sharps disposal as directed | | | | |
| Class: Fill Now | | | | |
| Notes to Pharmacy: Interactional Rx | | | | |
| Route: Miscell. (Med.Supl.;Non-Drugs) | | | | |

Exhibit D

SPRING MOUNTAIN TREATMENT CENTER MASTER TREATMENT PLAN - INTERDISCIPLINARY

REVISION: 9/29/16

SIDE 2 OF 2

MAHMOUD, MOHAMED
MR# 000021470 06/26/1981
A# 00642680011 I TPL
06/12/2017 000000051 M

| Patient Strengths | | Patient Limitations | |
|---|---|---|---|
| <input checked="" type="checkbox"/> Ability to verbalize feelings <input checked="" type="checkbox"/> Average or above intelligence <input type="checkbox"/> Supportive family/friends <input type="checkbox"/> Physical health <input type="checkbox"/> Insight regarding illness <input type="checkbox"/> Motivation for treatment/growth <input type="checkbox"/> Other: | <input type="checkbox"/> Work skills <input type="checkbox"/> Religious affiliation <input checked="" type="checkbox"/> Communication skills <input type="checkbox"/> Financial means <input type="checkbox"/> Special hobby/interests <input type="checkbox"/> Other: | <input type="checkbox"/> Poor insight <input type="checkbox"/> Cognitive impairment <input type="checkbox"/> Poor social skills <input checked="" type="checkbox"/> Lack of healthy supports <input type="checkbox"/> Medication non-compliance <input type="checkbox"/> Language barrier <input type="checkbox"/> Other: | <input checked="" type="checkbox"/> Health problems <input type="checkbox"/> Access to medications <input checked="" type="checkbox"/> Other: <u>Person coping skills</u> <input type="checkbox"/> Other: <input type="checkbox"/> Other: |
| <input type="checkbox"/> Return home <input type="checkbox"/> Alternate living arrangements <input type="checkbox"/> Residential treatment <input type="checkbox"/> Aftercare/continuing care group <input type="checkbox"/> PHP/ICP <input type="checkbox"/> 12-step recovery program: AA/NA <input checked="" type="checkbox"/> Medication Management <input type="checkbox"/> Other: | | <input checked="" type="checkbox"/> Couples/family therapy <input type="checkbox"/> Mental Health Center <input type="checkbox"/> Medical referral <input type="checkbox"/> Psychiatric referral <input type="checkbox"/> Follow-up with current provider: <input checked="" type="checkbox"/> Individual therapy <input checked="" type="checkbox"/> Other: <u>MIET</u> <input type="checkbox"/> Other: | |
| <input type="checkbox"/> Initial Discharge Disposition: | | <input type="checkbox"/> Preliminary Aftercare: | |
| Team Member | Print Name | Signature | Date |
| Psychiatrist | <u>Edward J. Smith</u> | <u>[Signature]</u> | <u>6/14/17</u> |
| Nurse | <u>Sharon M. Hall</u> | <u>[Signature]</u> | <u>6/14/17 10:30</u> |
| Therapist/CM | <u>Sharon M. Hall</u> | <u>[Signature]</u> | <u>6-14-17 11:30 am</u> |
| Other | | | |
| Contributing Treatment Team Members Not Present | | | |
| Other | | | |
| Other | | | |
| <input checked="" type="checkbox"/> Contributed to goals/plan <input type="checkbox"/> Refused to participate <input type="checkbox"/> Aware of plan content <input type="checkbox"/> Refused to sign <input type="checkbox"/> Unable to sign <input type="checkbox"/> Unable to participate in clinical reasons This treatment plan has been presented and reviewed with me in language that I understand. I had the opportunity to ask questions. | | | |
| Patient Signature: <u>[Signature]</u> | | Date: <u>6/14/2017</u> | |
| Parent/Guardian Signature: _____ | | Date: _____ | |

SPRING MOUNTAIN TREATMENT CENTER

INITIAL TREATMENT PLAN

Rev 5/10/17

PAGE 1 OF 2

MAHMOUD, MOHAMED
MR# 000021470 06/26/1981
A# 00642680011 I IPL
06/12/2017 000000051 M

The Initial Treatment Plan (ITP) is initiated within 8 hours of the patient's admission with identified patient problems and short term goals. The target date for the short term goals on the ITP is considered to be at the initiation of the Master Treatment Plan (MTP) within the first three (3) program days after admission. When the MTP is initiated the short term goals documented on the ITP will be considered closed. Long term goals are documented on the MTP with new target dates.

| Problem/Short Term Goal | Specific Intervention | Frequency/Duration | Staff Responsible |
|---|--|---|-------------------|
| <p>Depression/Danger to Self:</p> <p><input checked="" type="checkbox"/> MAHMOUD will not express hopelessness and helplessness for next 3 days</p> <p><input checked="" type="checkbox"/> MAHMOUD will verbalize no suicidal thoughts or exhibit self-destructive behavior for 3 days</p> <p><input type="checkbox"/> Other: _____</p> | <p><input checked="" type="checkbox"/> Implement the following safety measures:</p> <p><input checked="" type="checkbox"/> Suicide precaution Q-15 <input type="checkbox"/> Q-5 <input type="checkbox"/> 1:1</p> <p><input type="checkbox"/> Removal of personal items to prevent self-injurious behavior</p> <p><input type="checkbox"/> Room close to nursing station</p> <p><input type="checkbox"/> Other: _____</p> | <p><input type="checkbox"/> 1:1 with RN on admission and Q-shift assessments</p> <p><input checked="" type="checkbox"/> Q shift and as needed</p> <p><input type="checkbox"/> _____</p> | <p>MAHMOUD</p> |
| <p>Aggression/Danger to Others:</p> <p><input checked="" type="checkbox"/> N/A</p> <p><input type="checkbox"/> _____ will not threaten or harm others for _____ day(s) consecutively</p> <p><input type="checkbox"/> Other: _____</p> | <p><input type="checkbox"/> Implement the following safety measures:</p> <p><input type="checkbox"/> Q-15 <input type="checkbox"/> Q-5 <input type="checkbox"/> 1:1</p> <p><input type="checkbox"/> Assaultive/Homicidal precaution</p> <p><input type="checkbox"/> Redirect patient from hostile, angry or threatening behavior and discuss appropriate alternatives to cope</p> <p><input type="checkbox"/> Other: _____</p> | <p><input type="checkbox"/> On admission</p> <p><input type="checkbox"/> Daily and as needed</p> <p><input type="checkbox"/> Milieu management</p> | |
| <p>Alteration in Thought Process:</p> <p><input checked="" type="checkbox"/> N/A</p> <p><input type="checkbox"/> _____ will demonstrate decrease in hallucinative episodes to _____ time(s) per day</p> <p><input type="checkbox"/> _____ will demonstrate decrease in delusional thought to _____ time(s) per day</p> <p><input type="checkbox"/> _____ will demonstrate decrease in reaction to internal stimuli to _____ time(s) per day</p> <p><input type="checkbox"/> Other: _____</p> | <p><input type="checkbox"/> Implement the following safety measures:</p> <p><input type="checkbox"/> Q-15 <input type="checkbox"/> Q-5</p> <p><input type="checkbox"/> Provide reality orientation and redirection</p> <p><input type="checkbox"/> Offer clear, simple explanations of environmental events, activities and behaviors of others when necessary</p> <p><input type="checkbox"/> Other: _____</p> | <p><input type="checkbox"/> Upon admission and as needed 1:1 with RN</p> <p><input type="checkbox"/> 1:1 with staff daily and as needed</p> | |

SPRING MOUNTAIN TREATMENT CENTER INITIAL TREATMENT PLAN

Rev 5/10/17

PAGE 2 OF 2

MAHMOUD, MOHAMED
MR# 000021470 06/26/1981
A# 00642680011 I IPL
06/12/2017 000000051 M

| Problem Statement | Specific Intervention | Frequency/Duration | Staff Responsible |
|--|--|---|---|
| Substance Abuse/Withdrawal: <input type="checkbox"/> will exhibit stabilization of detox symptoms from: <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> Implement the following safety measures: <input type="checkbox"/> Seizure precaution <input type="checkbox"/> Fall precaution <input type="checkbox"/> Complete Withdrawal Checks to monitor detox symptoms <input type="checkbox"/> COWS <input type="checkbox"/> CIWA <input type="checkbox"/> Other: <input type="checkbox"/> Administer medications to reduce effects of withdrawal: | <input type="checkbox"/> 1:1 Assessment <input type="checkbox"/> RN Q-shift <input type="checkbox"/> As ordered by MD <input type="checkbox"/> Med pass as and per RN assessment | |
| Other: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> will | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> 1:1 RN | |
| See Individual/Medical Problem Sheets to Nursing Intervention | | | |
| Medical Problems: <input type="checkbox"/> Seizures <input checked="" type="checkbox"/> Diabetes <input type="checkbox"/> Hypertension <input type="checkbox"/> Pediculosis <input type="checkbox"/> GERD | <input type="checkbox"/> DEFER <input type="checkbox"/> ACTIVATE <input type="checkbox"/> N/A | Medical Problems: <input type="checkbox"/> Asthma <input type="checkbox"/> Wound care <input type="checkbox"/> Pain <input type="checkbox"/> Nutritional issues <input type="checkbox"/> Gastrointestinal | <input checked="" type="checkbox"/> DEFER <input type="checkbox"/> ACTIVATE <input type="checkbox"/> N/A |
| RN Print Name: <u>McQuinn</u> My signature represents that this treatment plan update has been presented and reviewed with me in language that I understand, and I had the opportunity to participate and ask questions. | RN Signature/Credentials: <u>[Signature]</u> | Date: <u>6/26/17</u> | Time: <u>0705</u> |
| Patient Signature: <u>[Signature]</u> <input type="checkbox"/> Patient refused to sign | Parent/Guardian Signature/Review: | Date: | Date: |

Exhibit E

Emmy

+17144577990

Tuesday, November 6, 2018

11/6/2018

SAVED BY: JACOB D. MARKS
 ALICE (MOM) MOHAMED
 STEPHEN (DAD) MOHAMED

BE: MOHAMED MOHAMED (MOM) MOHAMED
 PAGE 11 OF 18 PAGES

TO: JACOB D. MARKS

I AM JACOB D. MARKS. I WOULD
 TELL YOU ABOUT THE TIME AND EXPERIENCE
 WITH MOHAMED MOHAMED. HE ALSO TOLD
 THE COURT THAT MOHAMED MOHAMED
 FROM 4/11/18 TO 8/18/18 MOHAMED
 I HAVE HAD MOHAMED AND HIS WIFE
 OVER MY HOUSE FOR THE END OF JULY
 AND THANKSGIVING. IN EXCHANGE
 MOHAMED WAS A VERY FRIENDLY MAN
 WITH THE LITTLE GIRL AND ALL THE
 PEOPLE. MOHAMED AND HIS WIFE
 RESCUED MANY ANIMALS OUT OF THE
 LOCAL SHELTERS. I NEVER HEARD ANY
 KIND OF ABUSIVE BEHAVIOR. I AM
 BELIEVE IN MY HEART MOHAMED IS A
 GOOD MAN THAT MADE A MISTAKE.
 THANK YOU SINCERELY JACOB D. MARKS

MMS
 12:50 PM

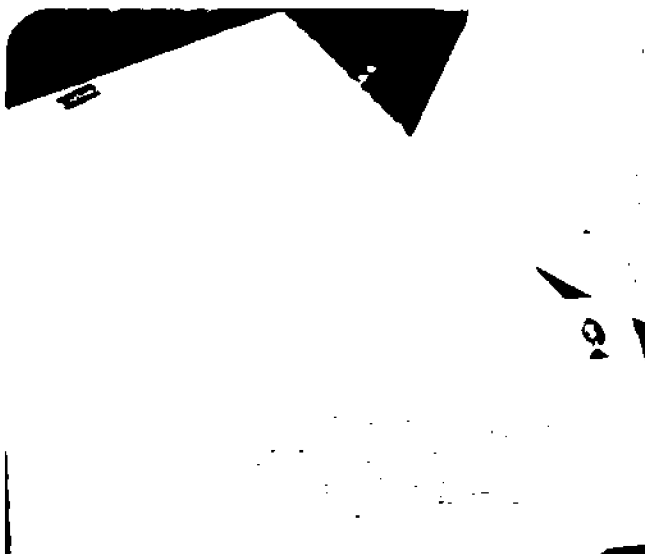


Exhibit F

Greetings,

I am Mohammed's mother. My son who stands in front of you is a role model of honor, integrity and dignity. He practices his profession as a lawyer with all morals and conscience. He is known for his patience and devoutness to god. He got sickened with the dreaded diabetes and other diseases such as high blood pressure and colon. He extracted all of his teeth. His nervousness betrayed him and he did something that he never thought of doing. He is a person with a pleasant and calm character, is proud of himself and his dignity. He got humiliated this way for the sake of earning an honest living . His ill mother, his wife and his siblings appeal for mercy and forgiveness for him. You're the representatives of justice. I truly wish to see him before I die. I am Mohammed's sister with a Bachelor's Degree in English Literature. Mohammed is my beloved, my sweetheart, the apple of my eyes, and my supporter in this world. He helped my mother tremendously after the death of my father. He worked hard and helped my mother with my marriage. He never hesitated to help anyone in need at any time. All of his friends would attest to his good morals. He bore all the hardships for my mother's sake, who is ill, and for mine. Following this incident, I have been feeling as if I lost my second father since he was responsible for my children and I. He was always trying to provide all of our needs. Mohammed is a good person who despises lying and deception. He helps everyone who is in need. He is an animal lover. His heart is full of love and does not know hatred.

I am (Engineer) Ahmed, an Architectural Consultant, Mohammed's younger brother. My brother, being full of charisma and manhood, did everything possible to fulfill the desire of my father, may god rest his soul, who wished to see me as an Engineer. Furthermore, he helped me with my wedding expenses. He provided all of the necessities for myself, my sister and my ill mother. He is our main provider of support and help certainly after god's presence. We have nobody else besides him in this world.

Oh god, my heart is bleeding and my eyes are in tears. If there is anything I can do then I would be in that place instead of you.

We ask for your mercy and kindness on us. Please do not disappoint the hopes of an ill mother whose only wish is to see her son before her death.

Mohammed Abdullah's Mother
Mohammed Abdullah's Sister
Mohammed Abdullah's Brother

بعد التحية

يا والدة محمد

ان ابي الذي يتماثل امامكم معال للخرف والزهايم وانكرامه يمارس مهنة الحماماه بكل اخلاق
وضمير مشهود له بالصبر وتقوى الله اصيب بمرض السكر اللعين وامراض اخرى معال
الضغط والقلولون خلج سنانه باكملها خالته اعصابه فعمل شيء لم يكن يفكر فيه ابدا ذو
الطبع الجميل الهادي المعز بنفسه وكرامته يهان بهذا الشكل من اجل لقمة العيش الشريرة
الحفلل
ان امه المريضة وزوجته واخواته يناشدون بالرحمة والمغفرة له فالتزم قلم العدل امينى ان
ازاه قبل ان اموت .

انا اخت محمد حاصله على ليسانس اداب الجليزي

حبيبى قلبى وعينى ستنى فى الدنيا محمد ساعد امى ككورا بعد وفاء والدي عمل و اجتهد
و ساعد امى فى زواجى لم يتأخر عن اى شخص محتاج فى اى وقت كل اصدقائه
يتمنون له بحسن الاخلاق تحيل كل المشاق من اجلى واجل امى المريضة بعد هذه الحادثة
اشهر ابي ففقدت ابي الثاني فهو مسئول عني و عن اطفالي . كان دائما يحاول توفير جميع
احتياجاتنا محمد انسان طيب و يكره الكذب و الخداع ويعطف على كل محتاج و محب
للحيوانات فقلبه يملؤه الحب و لا يعرف الكراهية.

انا مهندس احمد امتشاي معمارى الاخ الاصغر للاستاذ محمد اخى ذو الغمامه والمروءه
فعل كل شيء جميل لكى تكتم رساله ابي رحمه الله الذى كان يتمنى ان يراني مهندس ثم
ساعدني فى مصاريف زواجي وفر احتياجاتي انا واخى وامى المريضة فا هو سند كبير لنا
بعد رينا . ليس لنا في هذه الدنيا غيره

يارب قلبى يذرف وعينى تدمع لو كان بينى حاجه اعملها لك واكون فى هذا المكان بذلك

رحمتكم بيانا وعطفكم علينا ارجو ان لا تخيبوا ظن ام مريضه امينتها الوحيدة رؤيه ابنها
قبل الموت

والدة محمد عبدالله

اخت محمد عبدالله

اخو محمد عبدالله

Exhibit G

Dear Judge,

I realize you have a job of justice to do today. I am begging you, to take in Consideration, it is my husband's first dealing with the law. I know you hear a thousand stories, and I am in hope you will have the heart to read mine. My husband made a huge mistake, for a while we had been having financial issues, creating a lot of pressure on him. On the day of the incident, we had one last conversation about how he was so frustrated and felt he would be fired. He said, I am doing everything they ask me to do, but the managers can't agree on anything, giving me different instructions contradicting one another. He said, I am going crazy and don't want to lose my job, what are we going to if I loose my job ? The first day I talked to him after the incident, he said, I just wanted to die when they fired me, I didn't want to return home to tell you I lost my job. When this whole ordeal occurred, I thought I would be killed by the police but here I am.....

Dear judge, I know my husband simply snapped and never meant to hurt anyone. His last attempt when shooting at the police car, was never to kill anyone but to have them kill him.....this would have been his 3rd attempt of trying to commit suicide.

My dear husband, was a successful lawyer in Egypt and the only reason why he is here, it's because of me. I was suppose to move there and not the other way around. When he worked at the gas station, a customer tried to assault him with a knife, he ended up going to the hospital for that. A few days after that, is when he bought the gun to protect himself and not to intentionally hurt anyone. My dear husband is kind, this is the same man, who would from his own pocket would feed the homeless, the birds, dogs and cats on the streets. HE IS A GOOD MAN.

PLEASE HAVE MERCY ON HIM AND GIVE HIM THE LEAST SENTENCE POSSIBLE.

THANK YOU.

GLADYS E MAHMOUD.



MEMO
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
SHANON CLOWERS
Chief Deputy District Attorney
Nevada Bar #10008
DAVID STANTON
Chief Deputy District Attorney
Nevada Bar #03202
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MOHAMED ABDALLA MAHMOUD,
#6093907

Defendant.

CASE NO: C-18-334567-1

DEPT NO: XXX

SENTENCING MEMORANDUM

DATE OF HEARING: JULY 18, 2019
TIME OF HEARING: 8:30 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through SHANON CLOWERS, Chief Deputy District Attorney, and hereby submits this Memorandum for the Court's consideration.

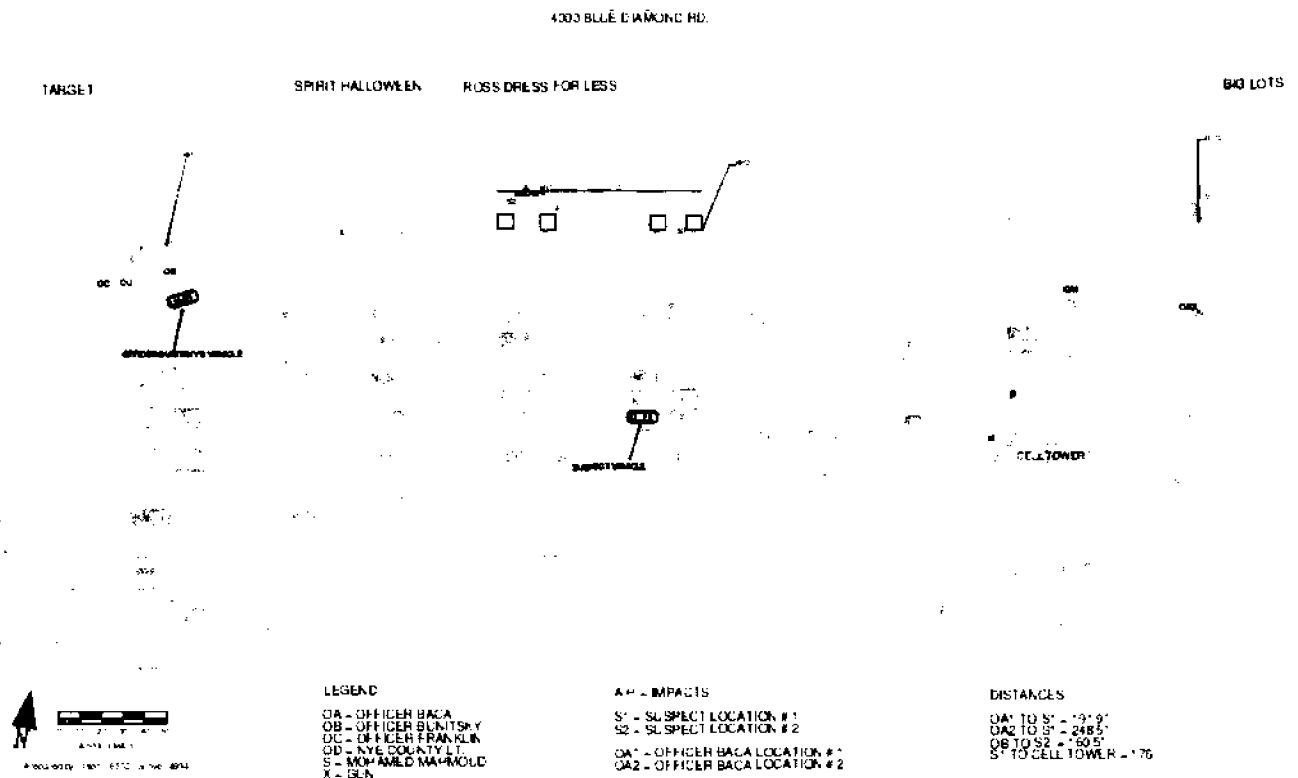
STATEMENT OF THE CASE

The Defendant was charged with five counts of Attempt Murder with Use of a Deadly Weapon (Att. Murder w/DW), two counts of Assault on a Protected Person with Use of a Deadly Weapon (AWDW – Protected Person), three counts of Assault with a Deadly Weapon (AWDW), and five counts of Discharge of Firearm From or Within a Structure (Discharging).

On May 28, 2019, the Defendant pleaded guilty to attempting to kill Amanda Davis and Las Vegas Metropolitan Police Department (LVMPD) Officer Bryon Bunitsky, as well as AWDW – Protected Person for LVMPD Officer Baca, and AWDW for victims Jose Trejo and Patrick Frisby. The State retained the full right to argue at the rendition of sentencings.

STATEMENT OF FACTS

On August 11, 2018, Amanda Davis (Amanda) and Patrick Frisby (Patrick) were working at Ross Dress for Less (Ross) located on Blue Diamond Highway. In the same parking lot was a Spirit Halloween store and a Target. It was a busy day, as families were shopping for school, which resumed in a few days.



Defendant was working that day as a Loss Prevention Officer for Ross. Amanda was Defendant's supervisor. Amanda had informed Defendant, via a handheld radio, a customer would be leaving a shopping cart with her purchases near the front doors of the business so she could pull her car up. A few moments later, Defendant radioed there was an unattended cart in the front of the store. Amanda reminded him that the customer was allowed to place the cart there. As witnessed and reported by many people, Defendant then approached

1 Amanda, who was at a cash register, and began yelling, cursing, pointing at her, and
2 slamming his hands down. He told her she disrespected him. Amanda told him to go to the
3 breakroom so this discussion could be had in private. Patrick attempted to intervene and



21 diffuse the situation, but was met with hostile resistance, all whilst children were present and
22 observing. (Exhibit 1: Spliced Surveillance Video at 0:00 – 1:44).

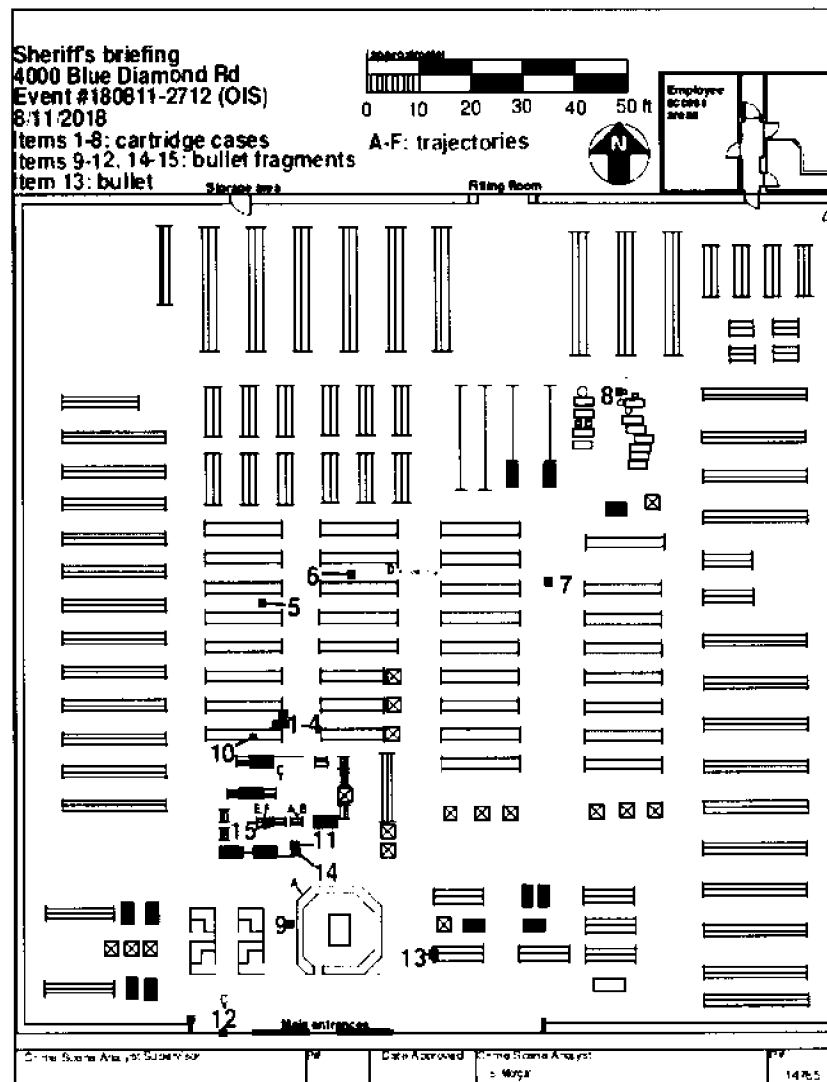
23 Amanda told Defendant to go to the breakroom or he would be sent home for the day.
24 Defendant stated he was not going home or to the backroom, instead saying "I will kill you
25 both." As Amanda went to the back of the store to call her boss, Defendant left the store,
26 threatening to kill Amanda and Patrick. (Exhibit 1 at 2:14).



19 Defendant proceeded to his vehicle where he grabbed a Beretta PX4 Storm, 9mm,
20 fully loaded. (Exhibit 1 at 2:21 – 3:16). He then went back into the Ross and fired the
21 weapon. (Exhibit 1 at 3:37 and 4:43). Customers, including children, began fleeing Ross.
22 (Exhibit 1 at 3:52 and 4:56). Some people hid in the racks of clothing. (Exhibit 1 at 4:59).
23 Defendant went straight to the back of the store. (Exhibit 1 at 5:07, 5:49). Near the rear of
24 the store, he was able to locate his target Amanda. She ran towards the front of the store,
25 and he fired. (Exhibit 1 at 6:00, see photo: Sheriff's Briefing - Crime Scene Diagram – see
26 Cartridge Case 8).

27
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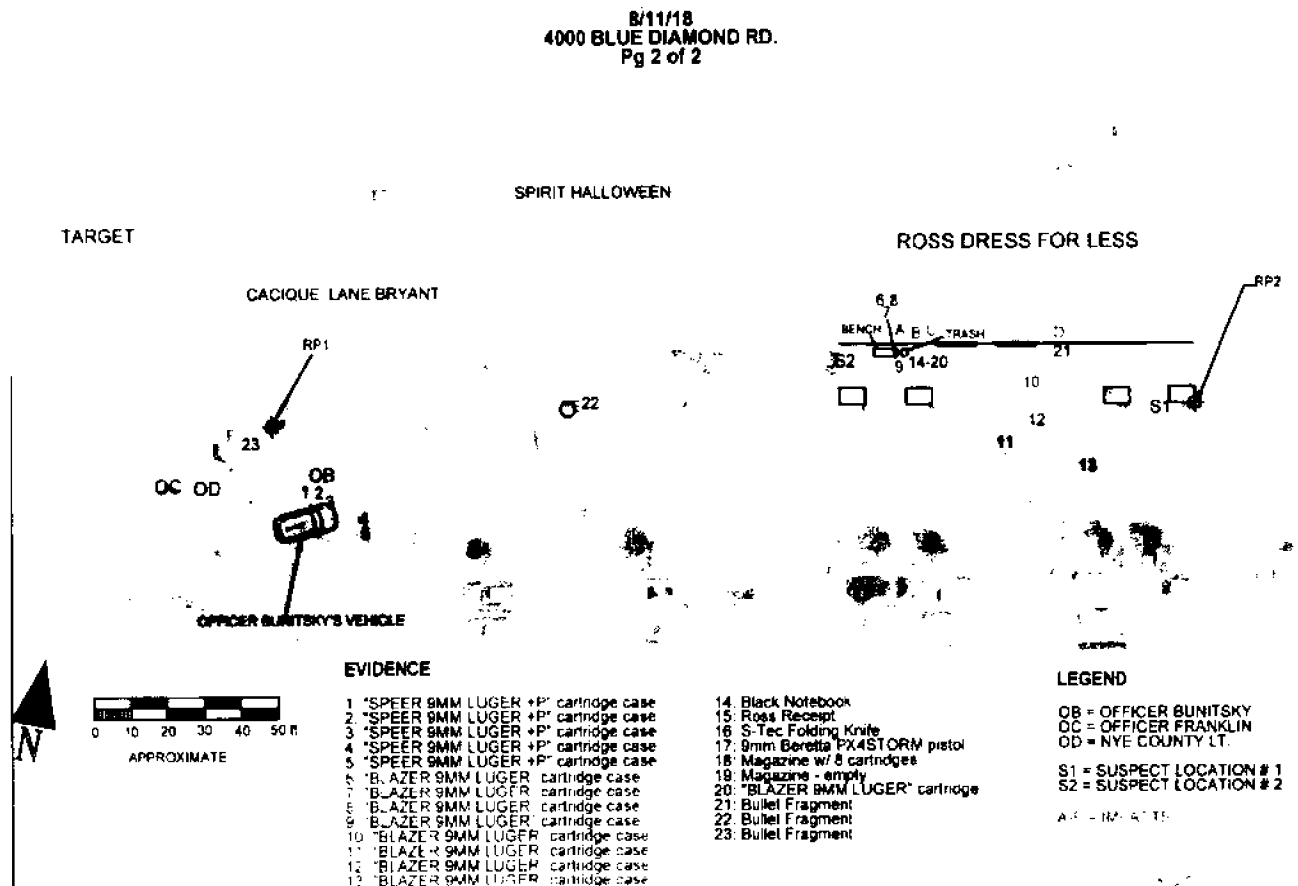
1 It should be noted that the training Amanda had in an active shooting case was to go
2 to the locked employee break room at the back of the Ross store. Luckily, she decided
3 against this course of action as the Defendant (being an employee) also has the combination
4 to the lock to gain access to that room. Thus, the "safe room" would have been the worse
5 place for Amanda to go to in this situation.



25 Defendant chased Amanda through the store while firing the gun. (Exhibit I at 5:28,
26 5:40, and 6:05).

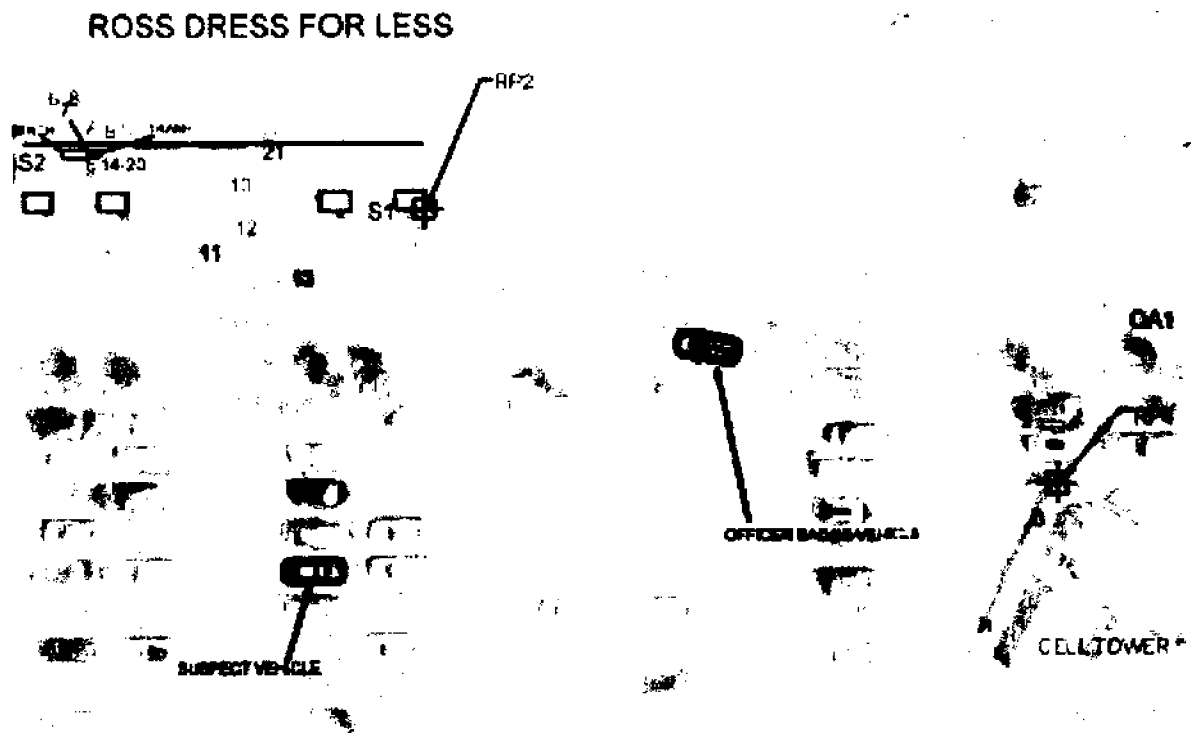
27 The customers tried to flee the store, but were unable to exit through the emergency
28 fire exits because the doors were locked. This included Patrick, who in an attempt to flee the

Defendant tried to exit through the emergency doors and discovered they were locked. He made it out the front of the store, to the Target, where he called his mother to come and get him. Customers are seen on the Exhibit 1 fleeing through the front doors of the store, where Defendant was located.



Jose Trejo, with his wife and young children, were in the Ross in the cashier area when the dispute between Defendant, Amanda, and Patrick took place. (Exhibit 1 at 2:14-2:21). As they exited, Defendant was returning from his car – with the gun in his hand. The family ran out the store. Jose's family ran into the Spirit Halloween Store (next to the Ross), and in the chaos Jose did not see where his family went. Presuming they were still inside the Ross, Jose ran back, just as the Defendant was exiting the Ross again. Defendant looked at Jose and said "What are you looking at?" and pointed the firearm at Jose. Jose turned to run towards Target, and Defendant fired shots in his direction.

1 Bryan Cruz, Jose's son, witnessed Defendant's argument with Amanda and Patrick.
2 He also saw Defendant return to the Ross with the firearm. He went into the Halloween
3 store with his mother and brother, but believed that his father had been shot.
4



19 As Defendant exited the store the second time, officers were arriving in the area.
20 Officer Baca was responding to the "active shooter" call when he was driving through the
21 parking lot and Defendant opened fire on his marked police vehicle, as noted in the above
22 photograph. Defendant missed and hit the cell towers in the parking lot.

23 Officer Bunitsky also responded. His body worn camera shows him entering the
24 parking lot west of the Ross. (Exhibit 2: Body Worn Camera video). He came into contact
25 with an off duty LVMPD police officer, who told Bunitsky where Defendant was located.
26 At the time of Bunitsky's arrival, Defendant was under the awning of the Ross.
27
28

1 CONCLUSION

2 This case had the distinct possibility of the loss of at least 5-6 people. The Dedendant
3 took active steps to kill this many people on that day. He had firearm training and attempted
4 to kill that many people based upon the undisputed evidence in this case. The only reason
5 these tragic facts did NOT occur was because of the reaction by Officer Bunitsky and
6 another off-duty Metro officer (an officer who was shopping with his wife and children at
7 the store immediately adjacent to Ross).

8 Defendant did everything within his power to cause a significant amount of carnage
9 and taking of life. Any argument that he mitigated any damage on this date is belied by the
10 incontroverted evidence in this case and before this court as clearly depicted in the chilling
11 video that is Exhibit 1.

12 For the reasons stated herein, the State asks that the maximum sentence be imposed as
13 to the Attempted Murder with Deadly Weapon counts, as well as, the maximum sentence as
14 to the Assault with a Deeaqdaly Weapon count. Further, that the sentence imposed as to
15 tehse counts be runs consecutively to one another.

16
17 DATED this 12 day of July, 2019.

18 Respectfully submitted,

19 STEVEN B. WOLFSON
20 Clark County District Attorney
Nevada Bar #001565

21 BY

22 SHANON CLOWERS
23 Chief Deputy District Attorney
24 Nevada Bar #10008
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28 clows/sc/L-3



EXHIBIT 1

ORIGINAL

Electronically Filed
07/12/2019

Shanon Clowers
CLERK OF THE COURT

1 **NOTC**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 SHANON CLOWERS
6 Chief Deputy District Attorney
7 Nevada Bar #010008
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,

13 Plaintiff,

14 -vs-

CASE NO: C-18-334567-1

15 MOHAMED ABDALLA MAHMOUD,
16 #6093907

DEPT NO: XXX

17 Defendant.

STATE'S NOTICE OF EXHIBITS
FOR SENTENCING MEMORANDUM

18 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
19 District Attorney, through SHANON CLOWERS, Chief Deputy District Attorney, and files
20 this Notice of Exhibits.

21 EXHIBIT 1: CD

22 //

23 //

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RECEIVED

JUL 12 2019


CLERK OF THE COURT

1 These Exhibits are in addition to any other Exhibits for which a separate Notice has
2 been filed.

3 DATED this 12 day of July, 2019.

4 STEVEN B. WOLFSON
5 Clark County District Attorney
6 Nevada Bar #001565

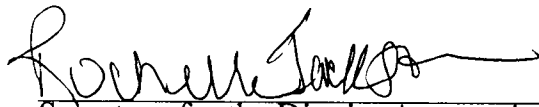
7 BY


8 SHANON CLOWERS
9 Chief Deputy District Attorney
10 Nevada Bar #010008

11 **CERTIFICATE OF ELECTRONIC FILING**

12 I hereby certify that service of Sentencing Memorandum, was made this 12th day of
13 July, 2019, by Electronic Filing to:

14 ZOHRA BAKHTARY, Chief Deputy Public Defender
15 Email: Zohra.Bakhtary@clarkcountynv.gov

16 
17 Secretary for the District Attorney's Office

18
19
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28 rmj/L3



DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR NO. 5674
ZOHRA BAKHTARY, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 12324
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Zohra.Bakhtary@clarkcountynv.gov
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

MOHAMED ABDALLA MAHMOUD,

Defendant,

CASE NO. C-18-334567-1

DEPT. NO. XX

DATE: August 8, 2019
TIME: 8:30 AM

MOTION TO WITHDRAW PLEA OF GUILTY

COMES NOW, the Defendant, MOHAMED ABDALLA MAHMOUD, by and through ZOHRA BAKHTARY, Chief Deputy Public Defender and hereby submits Motion to Withdraw Plea of Guilty.

This Motion is made and based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

DATED this 29th day of July, 2019.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Zohra Bakhtary
ZOHRA BAKHTARY, #12324
Deputy Public Defender

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ZOHRA BAKHTARY makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am a Deputy Public Defender for the Clark County Public Defender's Office appointed to represent Defendant Mohamed Abdalla Mahmoud in the present matter;

2. I am more than 18 years of age and am competent to testify as to the matters stated herein. I am familiar with the procedural history of the case and the substantive allegations made by The State of Nevada. I also have personal knowledge of the facts stated herein or I have been informed of these facts and believe them to be true.

3. On May 28, 2019, Defendant entered a plea of guilty to two counts of Attempt Murder with Use of a Deadly Weapon, one count of Assault with Use of a Deadly Weapon, and one count of Assault on a Protected Person. The sentencing is scheduled for August 29, 2019.

4. Defendant contacted Counsel, requesting that his plea be withdrawn.

5. In order to withdraw a plea of guilty, one must successfully make a claim that the plea was entered involuntary or as a result of ineffective assistance of counsel. This allegation must be investigated by independent Counsel. As such, the Clark County Public Defender's Office must withdraw, and an independent Counsel must be appointed to investigate Defendant's claim(s).

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1 6. For the forgoing reasons, new Counsel must be appointed in the present
2 case.

3 I declare under penalty of perjury that the foregoing is true and correct. (NRS
4 53.045).

5 EXECUTED this 29th day of July, 2019.

6
7 DARIN F. IMLAY
8 CLARK COUNTY PUBLIC DEFENDER

9
10 By: /s/Zohra Bakhtary
11 ZOHRA BAKHTARY, #12324
12 Deputy Public Defender
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YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing MOTION on for hearing before the Court on the 8th day of August, 2019, at 8:30 am in District Court department 30.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

CERTIFICATE OF ELECTRONIC SERVICE

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

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
7/29/2019 4:42 PM
Steven D. Grierson
CLERK OF THE COURT



State of Nevada
vs
Mohamed Mahmoud

Case No.: C-18-334567-1
Department 30

NOTICE OF HEARING

Please be advised that the Defendant's Motion to Withdraw Plea of Guilty in the above-entitled matter is set for hearing as follows:

Date: August 13, 2019
Time: 8:30 AM
Location: RJC Courtroom 14A
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Miriam Vazquez
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Miriam Vazquez
Deputy Clerk of the Court

Steven D. Grierson

JOCP

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MOHAMED ABDALLA MAHMOUD
aka Mohamed Abdalla Mahmoud
Mahmoud
#6093907

Defendant.

CASE NO. C-18-334567-1

DEPT. NO. XXX

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crimes of COUNTS 1 & 2 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.010, 200.030, 193.330, 193.165; COUNT 3 – ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; and COUNT 4 – ASSAULT WITH A DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; thereafter, on the 29th day of August, 2019, the Defendant was present in court for sentencing with counsel ZOHRA BAKHTARY, Deputy Public Defender, and good cause appearing,

| | |
|---|--|
| <input type="checkbox"/> Not to Prosecute (before trial) | <input type="checkbox"/> Bench (Non-Jury) Trial |
| <input type="checkbox"/> Dismissed (after diversion) | <input type="checkbox"/> Dismissed (during trial) |
| <input type="checkbox"/> Dismissed (before trial) | <input type="checkbox"/> Acquittal |
| <input checked="" type="checkbox"/> Guilty Plea with Sent. (before trial) | <input type="checkbox"/> Guilty Plea with Sent. (during trial) |
| <input type="checkbox"/> Transferred (before/during trial) | <input type="checkbox"/> Conviction |
| <input type="checkbox"/> Other Manner of Disposition | |

1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
2 addition to the \$25.00 Administrative Assessment and \$250.00 Indigent Defense Civil
3 Assessment Fee plus \$3.00 DNA Collection Fee, the Defendant is sentenced to the
4 Nevada Department of Corrections (NDC) as follows: **COUNT 1** – a MAXIMUM of
5 TWENTY (20) MONTHS with a MINIMUM Parole Eligibility of EIGHT (8) MONTHS, plus
6 a CONSECUTIVE term of TWENTY (20) MONTHS with a MINIMUM parole eligibility of
7 EIGHT (8) MONTHS for the Use of a Deadly Weapon; **COUNT 2** – a MAXIMUM of
8 TWENTY (20) MONTHS with a MINIMUM Parole Eligibility of EIGHT (8) MONTHS, plus
9 a CONSECUTIVE term of TWENTY (20) MONTHS with a MINIMUM parole eligibility of
10 EIGHT (8) MONTHS for the Use of a Deadly Weapon, CONCURRENT with COUNT 1;
11 **COUNT 3** – a MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole
12 Eligibility of TWELVE (12) MONTHS, CONCURRENT with COUNT 2; and **COUNT 4** –
13 a MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of
14 TWELVE (12) MONTHS, CONCURRENT with COUNT 3; with THREE HUNDRED
15 EIGHTY-FOUR (384) DAYS credit for time served. As the \$150.00 DNA Analysis Fee
16 and Genetic Testing have been previously imposed, the Fee and Testing in the current
17 case are WAIVED. The AGGREGATE TOTAL sentence is FORTY (40) MONTHS
18 MAXIMUM with a MINIMUM of SIXTEEN (16) MONTHS.
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23 DATED this 4 day of September, 2019

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JERRY A. WIESE
DISTRICT COURT JUDGE 



AJOCF

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MOHAMED ABDALLA MAHMOUD
aka Mohamed Abdalla Mahmoud
Mahmoud
#6093907

Defendant.

CASE NO. C-18-334567-1

DEPT. NO. XXX

AMENDED JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crimes of COUNTS 1 & 2 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.010, 200.030, 193.330, 193.165; COUNT 3 – ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; and COUNT 4 – ASSAULT WITH A DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; thereafter, on the 29th day of August, 2019, the Defendant was present in court for sentencing with counsel ZOHRA BAKHTARY, Deputy Public Defender, and good cause appearing,

1 THE DEFENDANT WAS ADJUDGED guilty of said offenses and, in addition to
2 the \$25.00 Administrative Assessment and \$250.00 Indigent Defense Civil
3 Assessment Fee plus \$3.00 DNA Collection Fee, the Defendant was sentenced to the
4 Nevada Department of Corrections (NDC) as follows: **COUNT 1 – a MAXIMUM of**
5 **TWENTY (20) YEARS with a MINIMUM Parole Eligibility of EIGHT (8) YEARS,**
6 **plus a CONSECUTIVE term of TWENTY (20) YEARS with a MINIMUM parole**
7 **eligibility of EIGHT (8) YEARS for the Use of a Deadly Weapon; COUNT 2 – a**
8 **MAXIMUM of TWENTY (20) YEARS with a MINIMUM Parole Eligibility of EIGHT**
9 **(8) YEARS, plus a CONSECUTIVE term of TWENTY (20) YEARS with a MINIMUM**
10 **parole eligibility of EIGHT (8) YEARS for the Use of a Deadly Weapon,**
11 **CONCURRENT with COUNT 1; COUNT 3 – a MAXIMUM of FORTY-EIGHT (48)**
12 **MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS,**
13 **CONCURRENT with COUNT 2; and COUNT 4 – a MAXIMUM of FORTY-EIGHT (48)**
14 **MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS,**
15 **CONCURRENT with COUNT 3; with THREE HUNDRED EIGHTY-FOUR (384) DAYS**
16 **credit for time served. As the \$150.00 DNA Analysis Fee and Genetic Testing have**
17 **been previously imposed, the Fee and Testing in the current case are WAIVED. The**
18 **AGGREGATE TOTAL sentence is FORTY (40) YEARS MAXIMUM with a**
19 **MINIMUM of SIXTEEN (16) YEARS.**

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23
24 THEREAFTER, on the 11th day of September, 2019, a clerical error having
25 been discovered, COURT ORDERED, the Amended Judgment of Conviction reflects
26 the following correction: COUNT 1 – a MAXIMUM of TWENTY (20) YEARS with a
27 MINIMUM Parole Eligibility of EIGHT (8) YEARS, plus a CONSECUTIVE term of
28

1 TWENTY (20) YEARS with a MINIMUM parole eligibility of EIGHT (8) YEARS for the
2 Use of a Deadly Weapon; COUNT 2 – a MAXIMUM of TWENTY (20) YEARS with a
3 MINIMUM Parole Eligibility of EIGHT (8) YEARS, plus a CONSECUTIVE term of
4 TWENTY (20) YEARS with a MINIMUM parole eligibility of EIGHT (8) YEARS for the
5 Use of a Deadly Weapon, CONCURRENT with COUNT 1. The AGGREGATE TOTAL
6 sentence is FORTY (40) YEARS MAXIMUM with a MINIMUM of SIXTEEN (16)
7 YEARS.
8

9 DATED this 11 day of September, 2019.

10
11 
12 JERRY A. WIESE
13 DISTRICT COURT JUDGE
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Mohamed A. Mahmoud
INDIAN SPRING
H.D.S.P. P.O. Box 650 Indian Spring
Nevada 89070

Electronically Filed
04/17/2020

Heaven & Sun
CLERK OF THE COURT

Mohamed A. Mahmoud,
Defendant,
v.
The State of Nevada,
Plaintiff,

Nevada District Court
Clark County

Case No C-18-334567-1
DEPT. No. XXX

Date: May 14, 2020 @8:30 AM

Motion of with Draw
Plead of Guilt

Comes Now That The Defendant in this Case signed a
Plead of Guilt at May 28 2019 under very Depressed
Mental Status and suicidal thoughts with an Absent
of his Anti-Depression Medicine and Absent of a good
Advice From his Counsel, therefore the Defendant would
like the Court to withdraw this Plead of Guilt kindly,
and Give him the chance to Get fair and Justice Trial
in order to Explain to the Court his Defense, and to
Get New Counsel with the New Trial.

RECEIVED

MAR 24 2020

CLERK OF THE COURT

Name: Mohamed A. Mahmoud
Date: 3/11/2020
Address: H.D.S.P P.O. Box 650
Indian Spring Nevada 89070
Tel: 7144577770

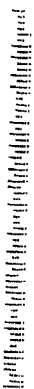
Mohamed A. Mahmoud
ID# 1222377
H.D.S.P. P.O. Box 650 Indian
Spring, Nevada, 89070

To

LAS VEGAS, NV 890
23 MAR 2001 PM 5:1



District Court, Clark County
200 Lewis Ave, 3rd Fl,
Las Vegas, N.V., 89155





RSPN
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
KAREN MISHLER
Deputy District Attorney
Nevada Bar #013730
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,
Plaintiff,

-VS-

MOHAMED ABDALLA MAHMOUD,
#6093907

Defendant.

CASE NO: C-18-334567-1

DEPT NO: XXX

**STATE'S OPPOSITION TO DEFENDANT'S MOTION OF WITHDRAW PLEAD
OF GUILT [SIC]**

DATE OF HEARING: 7/23/2020
TIME OF HEARING: 8:30 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through KAREN MISHLER, Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion of Withdraw Plead of Guilt [Sic].

This opposition is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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POINTS AND AUTHORITIES
ARGUMENT

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

The State does not waive its objection to the form of this "petition." NRS 34.735 prescribes the mandatory form of the habeas petition and includes several important notices to defendants, including that any ineffective-assistance-of-counsel claim operates to waive the attorney-client privilege as a matter of law and that they must raise all habeas claims in their first, timely petition. Further, as a post-conviction petition, the instant filing and any supplemental filings will be subject to the rules and procedural requirements outlined in NRS 34.

Even were the "petition" compliant with the requirements of NRS 34.735, it fails to advance any legal basis for this Court to permit Defendant to withdraw his plea. Pursuant to NRS 176.165, after sentencing, a defendant's guilty plea can only be withdrawn to correct "manifest injustice." See also Baal v. State, 106 Nev. 69, 72, 787 P.2d 391, 394 (1990). The law in Nevada establishes that a plea of guilty is presumptively valid and the burden is on a defendant to show that the plea was not voluntarily entered. Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986) (citing Wingfield v. State, 91 Nev. 336, 337, 535 P.2d 1295, 1295 (1975)). Manifest injustice does not exist if the defendant entered his plea voluntarily.

1 Baal, 106 Nev. at 72, 787 P.2d at 394. Defendant's "petition" fails to address the applicable
2 legal standards, and therefore it clearly must be denied.

3 In fact, Defendant's "petition" is entirely devoid of citations to the record or to
4 applicable legal standards. Significantly, Defendant fails to reference any portion of the vast
5 record available in this case to substantiate his claims, and he fails to cite to any case law to
6 support said allegations. The State respectfully submits that it should not be expected or
7 required to anticipate or formulate Defendant's arguments simply to oppose them when it is
8 **Defendant's burden** to support his assertions in a post-conviction petition with specific
9 factual allegations which, if true, would entitle Defendant to the relief requested. Hargrove v.
10 State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). "Bare" and "naked" allegations are not
11 sufficient, nor are those belied and repelled by the record. Id. Further, in filing a petition for
12 writ of habeas corpus, a defendant is required to comply with NRS 34.735 which reads in
13 pertinent part as follows:

14 6. You must allege specific facts supporting the claims in the
15 petition you file seeking relief from any conviction or sentence.
16 Failure to allege specific facts rather than just conclusions may
17 cause your petition to be dismissed. If your petition contains a
claim of ineffective assistance of counsel, that claim will operate
to waive the attorney-client privilege for the proceeding in which
you claim your counsel was ineffective.

18 NRS 34.735(6) (emphasis added). The State cannot properly and fairly oppose blanket
19 assertions which are unsupported by specific references to the record and unaccompanied by
20 argument. Defendant has failed to meet his burden pursuant to Hargrove and NRS 34.735 in
21 that said claims are similarly devoid of any specificity, argument and citations to the record
22 and supporting case law. Accordingly, the "petition" must be denied.

23 ///

24 ///

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28 ///

1 **CONCLUSION**


2 For the foregoing reasons, the State respectfully requests that Defendant's Motion for
3 Withdraw Plead of Guilt [sic] be DENIED.

4 DATED this 15 day of May, 2020.

5 Respectfully submitted,

6 STEVEN B. WOLFSON
7 Clark County District Attorney
8 Nevada Bar #001565

9 BY

10 
11 KAREN MISHLER
12 Deputy District Attorney
13 Nevada Bar #013730

14 **CERTIFICATE OF ELECTRONIC FILING**

15 I hereby certify that service of State's Opposition To Defendant's Motion Of Withdraw
16 Plead Of Guilt [Sic], was made this 15th day of May, 2020, by Electronic Filing to:

17 DEPUTY PUBLIC DEFENDER
18 pdclerk@clarkcountynv.gov

19 
20 Secretary for the District Attorney's Office

21
22
23
24
25
26
27
28 18F14914X/km/rmj/L3

Heaven's Honor
CLERK OF THE COURT

FCL
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
KAREN MISHLER
Deputy District Attorney
Nevada Bar #013730
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

MOHAMED ABDALLA MAHMOUD,
#6093907

Defendant.

CASE NO: C-18-334567-1

DEPT NO: XXX

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

DATE OF HEARING: JULY 23, 2020
TIME OF HEARING: 8:30 AM

THIS CAUSE having come on for hearing before the Honorable JERRY WIESE, District Judge, on the 23rd day of July, 2020, the Petitioner being present, proceeding in proper person, the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through KAREN MISHLER, Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

///

///

///

///

1 **FINDINGS OF FACT,**

2 **CONCLUSIONS OF LAW ANALYSIS**

3 Defendant Mohamed Abdalla Mahmoud ("Defendant") requests that this Court allow
4 him to withdraw his guilty plea. Pursuant to NRS 176.165, after sentencing, a defendant's
5 guilty plea can only be withdrawn to correct "manifest injustice." See also Baal v. State, 106
6 Nev. 69, 72, 787 P.2d 391, 394 (1990). Further, a plea of guilty is presumptively valid and the
7 burden is on a defendant to show that the plea was not voluntarily entered. Bryant v. State, 102
8 Nev. 268, 272, 721 P.2d 364, 368 (1986) (citing Wingfield v. State, 91 Nev. 336, 337, 535
9 P.2d 1295, 1295 (1975)).

10 Defendant has not presented any evidence or argument that his plea was not voluntarily
11 entered, or that his plea must be withdrawn in order to correct a manifest injustice. Thus, he
12 has not presented this Court with a valid legal basis for allowing him to withdraw his guilty
13 plea. Additionally, his pleading does not comply with the requirements of NRS 34.735 and
14 Harris v. State, 130 Nev. 435, 437, 329 P.3d 619, 621 (2014). Defendant has failed to present
15 specific allegations that, if true, would entitle him to relief. Hargrove v. State, 100 Nev. 498,
16 502, 686 P.2d 222, 225 (1984).

17 **ORDER**

18 THEREFORE, IT IS HEREBY ORDERED that the Motion of Withdraw Plead of
19 Guilt, ~~which the Court construes as a Post Conviction Petition for Writ of Habeas Corpus,~~
20 shall be, and it is, hereby denied.

Dated this 5th day of August, 2020

21 DATED this ____ day of August, 2020.

22 
23 DISTRICT JUDGE

24 STEVEN B. WOLFSON
25 Clark County District Attorney
Nevada Bar #001565

A3B 6C0 57AB A1CF
Jerry A. Wiese
District Court Judge

26 BY /s/KAREN MISHLER
27 KAREN MISHLER
28 Deputy District Attorney
Nevada Bar #013730

1 **CERTIFICATE OF ELECTRONIC FILING**

2 I hereby certify that service of FINDINGS OF FACT, CONCLUSIONS OF LAW AND
3 ORDER, was made this _____ day of August, 2020, by Electronic Filing to:

4 DEPUTY PUBLIC DEFENDER
5 pdclerk@clarkcountynv.gov

6
7 _____
8 Secretary for the District Attorney's Office
9
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28 KM/cmj/L3

1 **CSERV**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

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: 8/5/2020

15 Kristina Byrd

Kristina.Byrd@clarkcountynv.gov

16 Deputy Public Defender Clerk

pdclerk@clarkcountynv.gov

17 Department XXX

Dept30LC@clarkcountycourts.us

FILED

DEC 02 2021

CLERK OF COURT

Mohamed A. Mahmoud

ID# 1222377

SDCC 20825 Cold Creek Road P.O. 208 Indian Spring
Nevada, 89070-0208

note/H.D.S.P. Never Moved Me when I got Last Appointment That's why I'm writing this

Nevada District Court

Mohamed A. Mahmoud

Clay K County

Defendant,

Case No C-18-334567-1

v

Dept. No. XXX

The State of Nevada

Plaintiff,

December 28, 2021
8:30 AM

Motion of with Draw
Plead of Guilt

Comes Now That The Defendant in This Case Signed a Plead of guilt
At May 28 2019, Under very Depressed Mental status and suicidal
Thought and Mood with an Absent of his Anti-Depression Medical
or Mental Counsel To help him get out of his Depression, And The Absen
of The Good Legal Advice From his Public Defender Counsel Who
informed him that Taking This Deal is The Best of his interest and
That he will get The Minimum sentence cause he has No Criminal history
which didn't happen put quite the opposite, Therefore The Defendant
would Like The court To with Draw This Plead Kindly, And Give him The
chance To get fair and Justice Trial in order To Explain To The court
his Defense and All The circumstances and Reasons And To get New
Counsel with New Trial. Thank you and God Bless

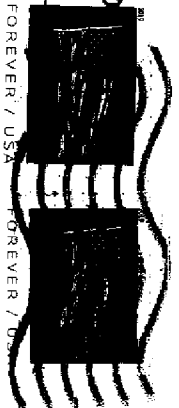
Name: Mohamed A. Mahmoud Date: 11/26/21

Address: SDCC 20825 Cold Creek Road P.O. 208 Indian Spring
NV, 89070-0208. Tell: 7144577490

RECEIVED
DEC 02 2021
CLERK OF THE COURT

Mohamed A. Mahmoud X1222377
SDC 20825 Cold Creek Road P.O. 208
Nevada, 89070-0208

LAS VEGAS NV 890
NOV 20 2021 PM 3

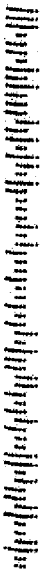


FOREVER / USA

To: District Court, Clark County
200 Lewis Ave, 3RD FL, Las Vegas

NV, 89155

89101-630000



Southern Desert
Correctional Center

NOV 29 2021

OUTGOING MAIL

ORIGINAL to Court

FILED

JAN 05 2022

CLERK OF COURT

Mohamed Abdalla Mahmoud, 1222377
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070

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-18-334557-1

Dept. No. XXX

Docket

MOTION TO WITHDRAW COUNSEL

Date of Hearing: _____

January 27, 2022
8:30 AM

Time of Hearing: _____

'ORAL ARGUMENT REQUESTED, Yes ☒ No ☐

COMES NOW, Defendant, Mohamed Abdalla Mahmoud, proceeding in proper
person, moves this Honorable Court for an ORDER Granting him permission to withdraw his
present counsel of record in the proceeding action, namely,

Zohra Bakhtary

This Motion is made and based on all papers and pleadings on file with the Clerk of the Court
which are hereby incorporated by this reference, the Points and Authorities herein, and attached
Affidavit of Defendant.

DATED: this 29th day of December, 2021

BY: Mohamed Abdalla Mahmoud
#1222377
Defendant/In Propria Personam

POINTS AND AUTHORITIES

The Nevada Revised Statute 7.055(1), which deals with the duty of a discharged attorney, states:

"An attorney who has been discharged by his client shall, upon demand and payment of the fee due from the client, immediately deliver to the client all papers, documents, pleadings and items of tangible property which belong to or were prepared for that client."

As can be seen in this case, the defendant does not owe any fees, in fact, they, meaning counsel(s) of record, were appointed by the Court to represent the defendant, who was an indigent, in Case Number, ~~C-18-33457-1~~ in Department No. XXX.

N.R.S. 7.055(2) gives this Court the power to Order the Attorney(s) of record to produce and deliver to the defendant in his/her possession, which states:

"A client who, after demand therefore and payment of the fee due from him, does not receive from his discharged attorney all papers, documents, pleadings and items of tangible personal property may, by a motion filed after at least 5 days' notice to the attorney, obtain an order for the production of his papers, Documents, pleadings and other property."

In numerous cases throughout this great land, the courts have held attorneys to a high degree of professional responsibility and integrity. This carried from the time of hiring to and through the attorney's termination of employment.

Supreme Court Rule 173 states quite clear that a withdrawn attorney owes his former client a prompt accounting of all his client's property in his possession." This is echoed in Canon 2 of the Code of Professional Responsibility of the American Bar Association, which states in pertinent part EC 2-32: "A lawyer should protect the welfare of his client by . . . delivering to the client all papers and property to which the client is entitled." Again in Disciplinary Rule 2-110(A)(2) of the ABA, this is brought out that a withdrawn attorney must deliver to the client all papers and comply with applicable laws on the subject.

In the cases of In Re Yount, 93 Ariz. 322, 380 P.2d 780 (1963) and State v. Alvey, 215 Kan. 460, 324 P.2d 747 (1974), both of which dealt with a factual situation involving a withdrawn attorney refusing to deliver to a former client his documents after being requested to do so by the client. The court in Yount, supra, ordered the attorney disbarred while in Alvey, supra, the court had the attorney censured.

1 While not the intention of the Defendant in this case to have the attorney disbarred, these cases do
2 show a pattern in the court in considering the refusal to deliver to a former client all his documents
3 and property after being requested to do so, a serious infraction of the law and of professional ethics.
4 See, In Re Sullivan, 212 Kan. 233, 510 P.2d 1199 (1973).

5 In summary, this court has jurisdiction through NRS 7.055 to Order the attorney(s) to produce and
6 deliver to the Defendant all documents and personal property in his/their possession belonging to him
7 or prepared for him. The Defendant has fulfilled his obligations in trying to obtain the papers. The
8 attorney(s) is in discord with Cannon 2 of the Code of Professional responsibility and the Nevada
9 Supreme Court Rules 173, 176 and 203.

10

11 DATED: this 29th day of December, 2021

12

13

BY: Mohamed Abdalla Mahmoud
#1222377
Defendant/In Propria Personam

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AFFIDAVIT OF: Mohamed Abdalla Mahmoud

STATE OF NEVADA)

ss:

COUNTY OF CLARK)

TO WHOM IT MAY CONCERN:

I, Mohamed Abdalla Mahmoud the undersigned, do hereby swear that all statements, facts and events within my foregoing Affidavit are true and correct of my own knowledge, information and belief, and as to those, I believe them to be True and Correct. Signed under the penalty of perjury, pursuant to, NRS. 29.010; 53.045; 208.165, and state the following:

- 1) I Am Currently incarcerated AT Southern Desert ~~Correctional~~ Correctional center;
- 2) This Motion is NOT intended To impede The Course of Justice But in The Furtherance Thereof.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

EXECUTED At: Indian Springs, Nevada, this 29th Day of December

2021.

BY: Mohamed Abdalla Mahmoud

122377

Post Office Box-208 (SDCC)
Indian Springs, Nevada 89070
Affiant, In Propria Personam:

CERTIFICATE OF SERVICE BY MAILING

I, Mohamed Abdalla Mahmoud, hereby certify, pursuant to NRCP 5(b), that on this 27TH
day of December, 2021, I mailed a true and correct copy of the foregoing, "

Motion To Withdraw Counsel"

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
89155-1755

Zahra Bakhtary ESQ
309 South Third Street, Suite 225
Las Vegas, Nevada 89155

Steve Wolfson
District Attorney
200 Lewis Ave
Las Vegas, NV
89155-2212

CC: FILE

DATED: this 29th day of December, 2021.

Mohamed Abdalla Mahmoud
#1222377
/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 _____

Motion To Withdraw Counsel
(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

12/24/2021
Date

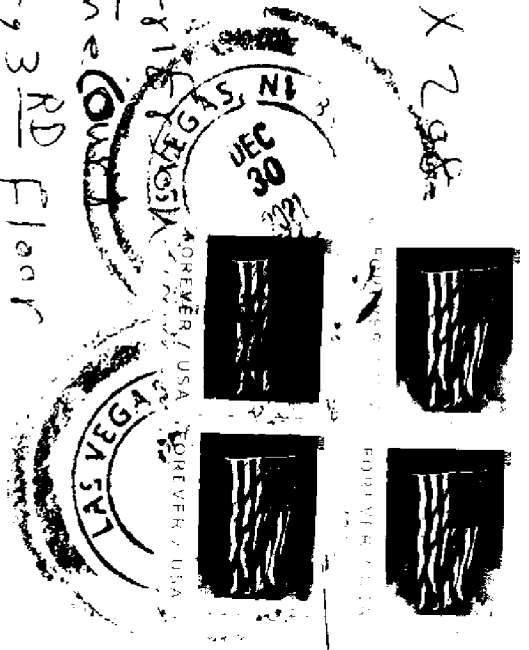
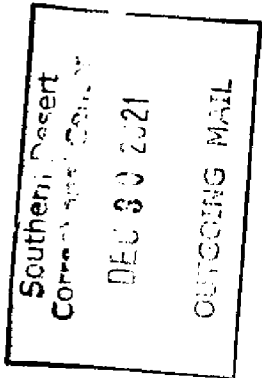
Mohamed Abdalla Mahmoud
Print Name

Defendant
Title

7

Yehamed A. Yehamed X1222377
S.D.C. 20825 Cold Creek Road P.O. Box 298
Indian Spring, NV, 89070-0208

To: Steven D. Griffin
Clerk of the Court
200 Lewis Ave, 3RD Floor
Las Vegas, NV, 89155-1160





1 **OPPS**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JOHN AFSHAR
6 Deputy District Attorney
7 Nevada Bar #014408
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 MOHAMED ABDALLA MAHMOUD,
13 #6093907

14 Defendant.

CASE NO: C-18-334567-1

DEPT NO: XXX

15 **STATE'S OPPOSITION TO DEFENDANT'S MOTION OF WITHDRAW PLEAD**
16 **OF GUILT [SIC]**

17 DATE OF HEARING: February 15, 2022
18 TIME OF HEARING: 8:30 AM

19 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
20 District Attorney, through JOHN AFSHAR, Deputy District Attorney, and hereby submits the
21 attached Points and Authorities in Opposition to Defendant's Motion of Withdraw Plead of
22 Guilt [Sic].

23 This opposition is made and based upon all the papers and pleadings on file herein, the
24 attached points and authorities in support hereof, and oral argument at the time of hearing, if
25 deemed necessary by this Honorable Court.

26 //

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//

1 POINTS AND AUTHORITIES

2 ARGUMENT

3
4 Defendant Mohamed Abdalla Mahmoud ("Defendant") apparently seeks to withdraw
5 his plea in the instant written motion. This is the second time he had attempted to withdraw
6 his plea this way, and his previous motion was rejected. See Defendant's Motion of Withdraw
7 of Plead Guilty, filed April 17, 2020; Findings of Fact, Conclusions of Law and Order, filed
8 August 5, 2020. As Defendant well knows, and this Court has already determined, this claim
9 must be filed as a petition for writ of habeas corpus.

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

19 The State does not waive its objection to the form of this "petition." NRS 34.735
20 prescribes the mandatory form of the habeas petition and includes several important notices to
21 defendants, including that any ineffective-assistance-of-counsel claim operates to waive the
22 attorney-client privilege as a matter of law and that they must raise all habeas claims in their
23 first, timely petition. Further, as a post-conviction petition, the instant filing and any
24 supplemental filings will be subject to the rules and procedural requirements outlined in NRS
25 34.

26 Even were the "petition" compliant with the requirements of NRS 34.735, it fails to
27 advance any legal basis for this Court to permit Defendant to withdraw his plea. Pursuant to
28 NRS 176.165, after sentencing, a defendant's guilty plea can only be withdrawn to correct

1 “manifest injustice.” See also Baal v. State, 106 Nev. 69, 72, 787 P.2d 391, 394 (1990). The
2 law in Nevada establishes that a plea of guilty is presumptively valid and the burden is on a
3 defendant to show that the plea was not voluntarily entered. Bryant v. State, 102 Nev. 268,
4 272, 721 P.2d 364, 368 (1986) (citing Wingfield v. State, 91 Nev. 336, 337, 535 P.2d 1295,
5 1295 (1975)). Manifest injustice does not exist if the defendant entered his plea voluntarily.
6 Baal, 106 Nev. at 72, 787 P.2d at 394. Defendant’s “petition” fails to address the applicable
7 legal standards, and therefore it clearly must be denied.

8 In fact, Defendant’s “petition” is entirely devoid of citations to the record or to
9 applicable legal standards. Significantly, Defendant fails to reference any portion of the vast
10 record available in this case to substantiate his claims, and he fails to cite to any case law to
11 support said allegations. The State respectfully submits that it should not be expected or
12 required to anticipate or formulate Defendant’s arguments simply to oppose them when it is
13 **Defendant’s burden** to support his assertions in a post-conviction petition with specific
14 factual allegations which, if true, would entitle Defendant to the relief requested. Hargrove v.
15 State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). “Bare” and “naked” allegations are not
16 sufficient, nor are those belied and repelled by the record. Id. Further, in filing a petition for
17 writ of habeas corpus, a defendant is required to comply with NRS 34.735 which reads in
18 pertinent part as follows:

19 6. You must allege specific facts supporting the claims in the
20 petition you file seeking relief from any conviction or sentence.
21 Failure to allege specific facts rather than just conclusions may
22 cause your petition to be dismissed. If your petition contains a
claim of ineffective assistance of counsel, that claim will operate
to waive the attorney-client privilege for the proceeding in which
you claim your counsel was ineffective.

23 NRS 34.735(6) (emphasis added). The State cannot properly and fairly oppose blanket
24 assertions which are unsupported by specific references to the record and unaccompanied by
25 argument. Defendant has failed to meet his burden pursuant to Hargrove and NRS 34.735 in
26 that said claim are similarly devoid of any specificity, argument and citations to the record and
27 supporting case law. Accordingly, the “petition” must be denied.

28 //

1 CONCLUSION

2 For the foregoing reasons, the State respectfully requests that Defendant's Motion for
3 Withdraw Plead of Guilt [sic] be DENIED.

4
5 DATED this 27th day of January, 2022.

6 Respectfully submitted,

7 STEVEN B. WOLFSON
8 Clark County District Attorney
9 Nevada Bar #001565

10 BY



11 JOHN AFSHAR
12 Deputy District Attorney
13 Nevada Bar #014408

14 CERTIFICATE OF ELECTRONIC FILING

15 I hereby certify that service of State's Opposition to Defendant's Motion of Withdraw
16 Plead of Guilt [Sic], was made this 27th of January, 2022, by electronic filing to:

17 DEPUTY PUBLIC DEFENDER
18 pdclerk@clarkcountynv.gov

19
20 BY

21 Secretary for the District Attorney's Office

22
23
24
25
26
27
28 18F14914X/JA/clh /L3

Heather L. Linn
CLERK OF THE COURT

OPI
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ROBERT TURNER
Chief Deputy District Attorney
Nevada Bar #006526
200 Lewis Avenue
Las Vegas, Nevada, 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MOHAMED ABDALLA MAHMOUD,
#6093907

Defendant.

CASE NO. C-18-334567-1

DEPT NO. XXX

ORDER FOR PRODUCTION OF INMATE
MOHAMED ABDALLA MAHMOUD, BAC #1222377

DATE OF HEARING: February 15, 2022
TIME OF HEARING: 8:30 AM

TO: NEVADA DEPARTMENT OF CORRECTIONS; and

TO: JOSEPH LOMBARDO, Sheriff of Clark County, Nevada:

Upon the ex parte application of THE STATE OF NEVADA, Plaintiff, by STEVEN B. WOLFSON, District Attorney, through ROBERT TURNER, Chief Deputy District Attorney, and good cause appearing therefor,

IT IS HEREBY ORDERED that NEVADA DEPARTMENT OF CORRECTIONS shall be, and is, hereby directed to produce MOHAMED ABDALLA MAHMOUD, in Case Number C-18-334567-1, wherein THE STATE OF NEVADA is the Plaintiff, inasmuch as the said MOHAMED ABDALLA MAHMOUD is currently incarcerated in the NEVADA DEPARTMENT OF CORRECTIONS located in Clark County, Nevada, and his presence will be required in Las Vegas, Nevada, commencing on February 15, 2022, at the hour of 8:30

1 o'clock AM and continuing until completion of the prosecution's case against the said
2 Defendant.

3 IT IS FURTHER ORDERED that JOSEPH LOMBARDO, Sheriff of Clark County,
4 Nevada, shall accept and retain custody of the said MOHAMED ABDALLA MAHMOUD in
5 the Clark County Detention Center, Las Vegas, Nevada, pending completion of said matter in
6 Clark County, or until the further Order of this Court; or in the alternative shall make all
7 arrangements for the transportation of the said MOHAMED ABDALLA MAHMOUD to and
8 from the Nevada Department of Corrections facility which are necessary to insure the
9 MOHAMED ABDALLA MAHMOUD's appearance in Clark County pending completion of
10 said matter, or until further Order of this Court.

Dated this 28th day of January, 2022

11 DATED this _____ day of January, 2022.

12
13 
DISTRICT JUDGE

14 39A B5F 5544 7A8D
15 Jerry A. Wiese
16 District Court Judge

17 STEVEN B. WOLFSON
18 Clark County District Attorney
19 Nevada Bar #001565

20 BY 

21 ROBERT TURNER
22 Chief Deputy District Attorney
23 Nevada Bar #006526
24
25
26
27
28

18F14914X/clh/L3

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 for Production of Inmate was served via the court's electronic
13 eFile system to all recipients registered for e-Service on the above entitled case as listed
below:

14 Service Date: 1/28/2022

15 Kristina Byrd

Kristina.Byrd@clarkcountynv.gov

16 Deputy Public Defender Clerk

pdclerk@clarkcountynv.gov

17 Department XXX

Dept30LC@clarkcountycourts.us

Heaven's Honor

CLERK OF THE COURT

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

THE STATE OF NEVADA,

Plaintiff,

vs.

MOHAMED ABDALLA MAHMOUD,
#6093907

Defendant.

CASE NO.: C-18-334567-1
DEPT. NO.: XXX

**ORDER RE: DEFENDANT'S
MOTION TO WITHDRAW
PLEA OF GUILTY**

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
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1 **CSERV**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

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



DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR NO. 5674
ALEXANDER J. HUBERT, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 9836
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

| | | |
|--------------------------|---|------------------------|
| THE STATE OF NEVADA, |) | |
| |) | |
| Plaintiff, |) | CASE NO. C-18-334567-1 |
| |) | |
| v. |) | DEPT. NO. 30 |
| |) | |
| MOHAMED ABDALLA MAHMOUD, |) | |
| |) | DATE: March 8, 2022 |
| Defendant, |) | TIME: 8:30 a.m. |
| |) | |

MOTION TO WITHDRAW AS ATTORNEY OF RECORD

COMES NOW, the Defendant, MOHAMED ABDALLA MAHMOUD, by and through ALEXANDER J HUBERT, Deputy Public Defender, and hereby moves this Honorable Court to permit the Clark County Public Defender's Office to withdraw as attorney of record as Mr. Mahmoud has begun calendaring post-conviction motions on his own behalf and has requested his casefile.

This Motion is based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, Memorandum of Points and Authorities in support hereof, and oral argument at the time set for hearing this Motion.

DATED this 28th of February 2022.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Alexander J Hubert
ALEXANDER J HUBERT, #9836
Deputy Public Defender

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1. I am an attorney duly licensed to practice law in the State of Nevada; I am
Public Defender assigned to represent the Defendant in the instant matter, and I am
the facts and circumstances of this case.

EXECUTED this 28TH day of February 2022.

By: /s/Alexander J Hubert
ALEXANDER J HUBERT, #9836
Deputy Public Defender

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NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the foregoing MOTION TO
WITHDRAW AS ATTORNEY OF RECORD will be heard on March 8th, at 8:30 a.m. in
District Court, Department 30.

DATED this 28th day of February 2022.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Alexander J Hubert
ALEXANDER J HUBERT, #9836
Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and forgoing MOTION was served via
electronic e-filing to the Clark County District Attorney's Office at motions@clarkcountyda.com
on this 28th day of February 2022.

By: /s/Sunshine Casarez
An employee of the
Clark County Public Defender's Office

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
2/28/2022 11:02 AM
Steven D. Grierson
CLERK OF THE COURT



State of Nevada
vs
Mohamed Mahmoud

Case No.: C-18-334567-1
Department 30

NOTICE OF HEARING

Please be advised that the Motion to Withdraw as Counsel of Record in the above-entitled matter is set for hearing as follows:

Date: March 10, 2022
Time: 8:30 AM
Location: RJC Courtroom 14A
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Imelda Murrieta
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Imelda Murrieta
Deputy Clerk of the Court

Continuation of Motion To
Withdraw Plea of Guilt
Filed on 12/2/2021

FILED

MAR - 1 2022

Alana A. Spivey
CLERK OF COURT

Case No. C-18-334567-1
State of Nevada

VS

Mohamed A. Mahmoud

Hearing: 3/22/2022
Time: 8:30 AM

The Defendant would like to add this continuation
to his motion explaining more details and more
reasons and grounds he believe that based on
it he deserve new trial and his unlawful plea
of guilt to be withdraw

RECEIVED

FEB 22 2022

CLERK OF THE COURT

①

1. ineffective assistance of the counsel

1- She knew about my severe Depression and my suicidal mood all time she used to ask about me and they used to tell her on C.C.D.C that I'm on the suicide watch all times -

2- She knew that I'm in segregation the whole 13 months despite as a mental person I'm not to be in segregation at all cause it is aggravating my Depression and my mental problems and she did nothing about it.

3- She knew that caused of this Depression I told her I need to done with this trial I don't care of the sentence this segregation makes me more depressed and thinking more on suicide and black thoughts.

4- When she brought the first deal and told me don't worry this judge is very understandable and easy going and just gave one of my clients who he has bigger case than you very good verdict, I told her I don't care the more time I can get the more I'm happy I don't want to live with those people outside that's why I'm taking this crazy deal cause as the court know that no one ever taking the first deal specially if it is bad deal like that unless he is mentally unstable my lawyer knew that I'm mentally not stable and she instead of asking the court for more mental valuation and test for my status and postpone my trial and fight to put me in the ~~Public Jail~~ General Publication and provide me with the mental help I need she failed to do that

(2)

5- My Lawyer DiDn't Try For once To Reduce My Counts and charges Although I Explained To her That All This Incident Was Nothing BUT ATTEMPTED TO SUICIDE TRY "My Third in Less Than a Year". we went Through The evidence and Explained To her every Move I Made. instead she Trys To at least Reduce The Charge she DiDn't even File one Motion Ask The D.A To Drop or Reduce The charges.

6- in The Day of The sentence The D.A asked The Judge To watch some of The Material That They Believed it's a Proof against Me and Although I Explained To My lawyer All These Material Before she DiDn't even Try To Attend with The Judge while He was watching The video Material To EXPLAIN To him The Actual Reasons For every Action I Made in This video and with This Lack of The EXPLAINATION The Court Took very hursh Decision and verdict Against Me.

7- when The Judge gave his Decision The lawyer Approach Me And Told Me To Accept This verdict and it is The Best I can get and DiDn't even Mention That I should Appeal or use The Habeas Corpus To Fix The Judicial Misconduct and unfair sentence. she Actually DiDn't Try To Contact Me AT ALL From This Moment which is unethical Act. she DiDn't even Try To Fix her Mistake.

2 Judicial Misconduct

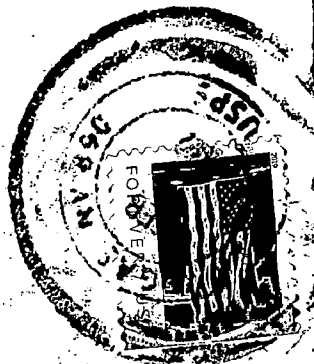
After I Took The Deal and Before Day of The Sentence August 22, 2019. I wrote 3 Pages Letter To Judge wiese, Jerry A. Explained To him The whole incident and The Fact That This whole thing was Nothing But a Try of Suicide After I got Fired, Cause of My Depression I Blacked out and Said I'm Not going To go Back My Home To My Family with No Job if They Took My Job Let Them Take My Life Too, and I Did Big seen To Force The Police To Come and Forced Them To Shoot Me on The Day of The Sentence The Judge Told The D.A he Didn't Read or watch evidence so I Spent 25 Minutes Explained To him everything I wrote in The Letter and he Said when I Done "I know you Didn't want To Kill The Cops you just Tried To Suicide". And when it came To The Knowledge of The Judge Before he gives a sentence in Plea of Guilt That The Defendant Didn't Commit The Plea of Guilt He is Pleading The Court have To Cancel This Deal and send The Defendant To Fair Trial To get Fair verdict or Better Deal which Not what Happened The Court Didn't even use The Mercy with Me But Gave Me 16 To 40 years For a Mental Harm Crime Against The victims None of The victims got even one Scratch and The Court knew This was a Suicide ATTEMPT Not Anything else which Doesn't Make Any Sence To Anyone Trying To Make sence out of This wierd Verdict, I have People Lives with Me in Prision They Actually shoot People and hit them in the chest and Dangers Appear and

(4)

only got 3 To 5 years, People whom Killed People and Burn them alive and got 19 Months To 48 Months, So How come I would get such a sentence For crime I DiDn't even commit and the Judge, DA, ATTORNEY knew that.

3- incapacity and unstable Mind
in order For The Court To Reach To Justice The Deffendant Must Be Able To Defend him self And Fight his case and This is ~~constitutional~~ Right and Any thing violating This Due Process is Nothing But The Fruit of Poisson Tree, it's illegal and unconstitutional and when someone suffer From sever Depression and you Put him in segregation and Long Time Lock Down Cause of Covid Too and if This Person has Suicide thoughts and Urge To Be Isolated From the world and he Don't get The Mental helpe he Actually Need he is NOT Capable To Take The Right Decisions Front of the Court Cause simply He will use this To Pirash his Life in incarceration instead of seeking Justice and Freedom and This is Exactly what Happened To Me and This Depression Afect My Decision To Fight my case and get the verdict I Deserve instead I Tried the opposit I Took worse Deal To get The Max Sentence and DiDn't even APPEAL on that Deal on Time which Show The Incapacity I'm Talking About, it Took Me Long Time To get Aid of This Depression and Dark and Suicidal Thoughts.

Mohamed A. Mahmoud #1222377
S.D.C.P. o Box 208 Indian Springs
Nevada 89070



To: Steven D. Grier
Clerk of The Court
200 Lewis Ave 3RD Floor
Las Vegas, NV 89155-1160

4
Mohamed Abdalla Mahmoud # 1222377
S.D.C.C.
P.O. BOX 208
INDIAN SPRINGS, NV 89018
PETITIONER - IN PROPER PERSON

FILED

MAR 15 2022

Adam A. Blinn
CLERK OF COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

Mohamed Abdalla Mahmoud
)
Petitioner)
v.)
The state of Nevada)
Respondent)
_____)

CASE # C-18-334567-1

DEPT.# XXX

Hearing: 4/05/2022
Time: 8:30 AM

MOTION TO COMPEL

COMES NOW, Petitioner Mohamed Abdalla Mahmoud, in and through
his proper person hereby moves this Honorable Court for an Order compelling: Motion
To withdraw Counsel That has been granted.

This motion is made and based upon all papers and pleadings on file with the Clerk of
the Court, which are hereby incorporated by this reference, the Points and Authorities
herein, and attached Affidavit of Petitioner.

Dated: this 2 day of March, 2022

Submitted by: *[Signature]*
Mohamed Abdalla Mahmoud # 1222377
Petitioner / In Proper Person

1 on 12/29/2021 The Petitioner Filed Motion To withdraw Counsel
2 / Zohra Bakhtary on 1/27/2022 The Court Did The
3 hearing For The Motion, later The Petitioner Met The
4 Court in Concern To his Motion To withdraw Plea of Guilt
5 and The Court Told The Petitioner he No longer has Counsel
6 which Means That Court Granted The Motion To withdraw
7 Counsel, However The Counsel Never Send The Petiti
8 -oner his Legal Papers or his Case's Documents
9 or Anything Belong To The Petitioner. which is very
10 important Material For The Petitioner To start
11 To Fight his Case and seek Justice.
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14 Please order Counsel / Zohra Bakhtary To
15 Comply with The Court order and send Me All
16 The Legal Material Concern My Case No:
17 C-18-334567-1 DEPT: XXX
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Thank you

POINTS AND AUTHORITIES

On the 27 day of January, 2022 the Court had granted the Petitioner's, "Mohamed Abdalla Hakmaud".

However, Zohra Bakhtary has failed to comply with the Order from this Honorable Court. This Court has the power and duty to enforce its lawful judgment pursuant to N.R.S. 1.210 which states in pertinent part ;

" *Every court shall have power :*

1. *To preserve and enforce order in its immediate presence.*
2. *To enforce order in the proceedings before a person or persons empowered to conduct a judicial investigation under its authority.*
3. *To compel obedience to its lawful judgments, orders and process, and to the lawful orders of its judge out of court in an action or proceeding pending therein.*
4. *To control ,in furtherance of justice, the conduct of its ministerial offers."* (emphasis added)

Failure to comply with a court's order constitutes contempt under N.R.S. 199.340 which states in pertinent part that:

" **Every** person who shall commit a contempt of court of any one of the following kind shall be guilty of a misdemeanor:

...4. Willful disobedience to the lawful process or mandate of the court;..." (emphasis added)

In closing, by Zohra Bakhtary not adhering to the order of this court Zohra Bakhtary has displayed contempt. Petitioner cites three cases,

In Re Yount, 93 Ariz. 322, 380 P.2d 780 (1963), State v. Alvey, 215 Kan. 460, 524 P.2d 747 (1974) and In Re Sullivan, 212 Kan. 233 510 P.2d 1199 (1973) that all deal with attorneys that refused to abide by the rulings of their respective courts and were either disbarred or censored. Petitioner prays this honorable Court compel Zohra Bakhtary to comply with the order and find Zohra Bakhtary guilty of contempt for not obeying the lawful order of this Court.

DATED: this 2 day of March, 2022

Submitted by: [Signature]
Mohamed Abdalla Mahmoud #1222377
Petitioner / In Proper Person

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AFFIDAVIT OF: Mohamed Abdalla Mahmoud

STATE OF NEVADA)
)
COUNTY OF CLARK) ss:

TO WHOM IT MAY CONCERN:

I, Mohamed Abdalla Mahmoud the undersigned, do hereby swear that all statements, facts and events within my foregoing Affidavit are true and correct of my own knowledge, information and belief, and as to those, I believe them to be True and Correct. Signed under the penalty of perjury, pursuant to, NRS. 29.010; 53.045; 208.165, and state the following:

- 1) I'm currently incarcerated AT Southern Desert Correction Center;
- 2) This Motion is NOT intended To impede the course of Justice But in the Furtherance Thereof.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

EXECUTED At: Indian Springs, Nevada, this 2 Day OF March

2022.

BY: [Signature]
Mohamed Abdalla Mahmoud #1272377
Post Office Box-208 (SDCC)
Indian Springs, Nevada. 89070./
Affiant, In Propria Personam:

CERTIFICATE OF SERVICE BY MAILING

I, Mohamed Abdalla Mahmed, hereby certify, pursuant to NRCP 5(b), that on this 2
day of March, 2022, I mailed a true and correct copy of the foregoing, "Motion To
Compel with Draw Counsel order"
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

Zohra Bakhtary ESG
309 South Third Street
Suite 225
Las Vegas, NV
89155

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

CC: FILE

DATED: this 2 day of March, 2022.

Mohamed Abdalla Mahmed #1222377
/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 Motion

To Compel with Draw Counsel order
(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

3/2/2022
Date

Mohamed Abdalq Mahmoud
Print Name

Petitioner
Title

Yohanned A. Mahmoud ~~8~~1222377
S.D.-C. c P.O Box 208, Indian Spring
Nevada, 89070

B/S 2614007

To: Steven D. Grierson
Clerk of The Court
200 Lewis Ave, 3rd Floor
Las Vegas, NV, 89155-1160

Southern Desert
Correctional Center
MAR 04 2022
OUTGOING MAIL

Defendant / In Propria Personam
SDC, Post Office Box-208
Indian Springs, Nevada 89070-0208.

FILED

MAR 15 2022

Shawn A. Shuman
CLERK OF COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

the state of Nevada

~~*Mohamed Abdalla Mohamed*~~

Plaintiff,

Vs.

Mohamed Abdalla Mohamed

Defendant.

Case No. # C-18-334567-1

Dept. No. # XXX

Docket No. # _____

Hearing: 4/05/2022
Time: 8:30 AM

MOTION TO APPOINT COUNSEL

Date Of Hearing: _____

Time Of Hearing: _____

COMES NOW the Defendant *Mohamed Abdalla Mohamed* in proper person and
hereby moves this Honorable Court for an ORDER granting him Counsel in the herein
proceeding action.

This Motion is made and based upon all papers and pleadings on File herein
and attached Points and Authorities.

Dated: This 2 Day Of March, 2022

Respectfully Submitted,

BY: *[Signature]*
Mohamed Abdalla Mohamed # 1222327
Defendant, In Forma Pauperis:

POINTS AND AUTHORITIES

NRS.34.750 Appointment of Counsel for indigents;pleading sipplemental to
petitiion;response to dismiss:

"If the Court is satisfied that the allegation of indigency is True and the
petition is Not dismissed summarily,the Court may appoint counsel to represent
the-"petitioner/defendant."

NRS.171.188 Procedure for appointment of attorney for indigent defendant:

"Any defendant charged with a public offense who is an indigent may, by oral
statement to the District Judge,justice of the peace,municipal judge or master,
request the appointment of an attorney to represent him."

NRS 178.397 Assignment of counsel;

"Every defendant accused of a gross misdemeanor or felony who is financially
unable to obtain counsel is entitled to have counsel assigned to represent him at
every stage of the proceedings from his initial appearance before a magistrate or
the court through appeal,unless he waives such appointment."

WHEREFORE ,petitioner/defendant,prays this Honorable Court will grant his
motion for the appointment of counsel to allow him the assistance that is needed
to insure that justice is served.

Dated:This 2 Day Of March ,2022-

Respectfully Submitted,

BY: [Signature]

Abdullah A. Alhassan #1222377
Defendant, In Forma Pauperis:

////

////

////

ADDITIONAL FACTS OF THE CASE:

1 I'm Foreigner My English is Not Good enough To Fight
 2 My Case By Myself, I Can't understand The Legal
 3 Terms Nor A lot of The English Conversations That
 4 Americans use on Daily Basis, even when I went
 5 To The Law Library in My Prison it is hard For Me
 6 To understand The Worker There and it's hard For
 7 him To understand My English and No one speak Arabic
 8 With Legal Experience To give Me The Legal help
 9 I Need. I'm Also know Nothing About The Law in U.S.A
 10 or The Court Procedures or Rules, we only get Like
 11 1 hour every week in The Law Library and May Be only
 12 10 Minutes out of This one hour My chance To Talk To The
 13 Worker Cause he Always Busy and he Can't Give Me any
 14 Legal help in This 10 Minutes A week and My chances
 15 in This Situation To Fight My Case and get Justice is
 16 Almost Zero without Professional Legal Assistance
 17 with all The Tools The Lawyer has Access To it outside
 18 To investigate and Prepare The Legal Material he will
 19 Need To Fight My Case and show The Truth Plus his Access
 20 To Copy Machine and Computer and Books I have No
 21 Access To it which will Take Me Months or years
 22 To Prepare My Defense on The Right way To Fight
 23 My Motion To withdraw Plea of Guilt or Do a Petition or
 24 an Appeal on My Conviction. For All These Reasons
 25 and Cause I Can't Afford To hire a Lawyer and For The
 26 Sick of Justice I'm Asking The Court To hire Professional
 27 Lawyer or Counsel To Fight My Case and Attend All The Hearing and sessions

1 AFFIDAVIT OF: Mohamed Abdalla Mahmoud

2 STATE OF NEVADA)
3 COUNTY OF CLARK) ss:

4 TO WHOM IT MAY CONCERN:

5 I Mohamed Abdalla Mahmoud the undersigned, do hereby swear that
6 all statements, facts and events within my foregoing Affidavit are
7 true and correct of my own knowledge, information and belief, and
8 as to those, I believe them to be True and Correct. Signed under the
9 penalty of perjury, pursuant to, NRS. 29.010; 53.045; 208.165, and state
10 the following:

- 11 1) I'm Currently incarcerated AT Southern Desert
12 Correctional center;
13 2) This Motion is NOT intended To impede the course of
14 Justice But in the Furtherance thereof.

25 FURTHER YOUR AFFIANT SAYETH NAUGHT.

26 EXECUTED At: Indian Springs, Nevada, this 2 Day of March

27 2012.

BY: [Signature]
Mohamed Abdalla Mahmoud # 1222377
Post Office Box-208 (SDCC)
Indian Springs, Nevada. 89070.
Affiant, In Propria Personam:

CERTIFICATE OF SERVICE BY MAILING

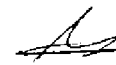
I, Mahamed Abdalla Mahmoud, hereby certify, pursuant to NRCP 5(b), that on this 2
day of March, 2022 I mailed a true and correct copy of the foregoing, "Motion
To Appoint Counsel"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed 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, NV
89155-2212

CC: FILE

DATED: this 2 day of March, 2022


Mohamed Abdalla Mahmoud # 1222377
/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 Notion

To Appoint Counsel

(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)

-OF-

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

Signature

Date

Mohamed Abdalla Mahmoud
Print Name

Defendant
Title

1 Mohamed Abdalla Mahmoud # 1222377
2 Southern Desert Correctional Center
3 Post Office Box 208
4 Indian Springs, Nevada 89070

FILED

MAR 15 2022

Shawn A. Blinn
CLERK OF COURT

5
6 IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF CLARK

8 Mohamed Abdalla Mahmoud)

9 Petitioner,)

10 Vs.)

11 The State of Nevada)

12)
13 Respondent(s).)
14)
15)

Case No. # C-18-334567-1

Dept. No. # XXX

Docket No. #

Hearing: 4/05/2022
Time: 8:30 AM

16 MOTION FOR TRANSCRIPTS AT STATE EXPENSE

17 Date of Hearing:

18 Time of Hearing:

19 "ORAL ARGUMENT REQUESTED: Yes ☒ No ☐

20
21 COMES NOW, Petitioner Mohamed Abdalla Mahmoud, proceeding in proper
22 person, and hereby moves this Honorable Court for an Order for the production of all
23 transcripts, papers, and pleadings, also any other document in regards to the above-
24 entitled action.
25

26 This Motion is made and based upon all papers and pleadings on file with the
27 Clerk of the Court, which are hereby incorporated by this reference, the Memorandum
28 of Points and Authorities herein, and attached Affidavit of Petitioner.

CLERK OF THE COURT
RECEIVED
MAR 10 2022

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 The petitioner respectfully requests that this Court Order the production of all
3 transcripts, papers, pleadings and any other documents with regards to the above-
4 entitled case. That these transcribed ... material(s) and documents are to be furnished
5 to the Petitioner at state expense.
6

7 Only with proper review of those transcribed material(s) and documents will
8 petitioner be able to adequately prepare a post-conviction petition or a direct appeal
9 that would allege all issues, and the grounds for relief that he is seeking. Moreover,
10 Petitioner would be prejudiced absent the Court's granting of this motion. See:
11 Peterson v. Warden, 87 Nev. 134, 483 P.2d 204 (1971), holds that:
12

13 "... does not contemplate that a record will be furnished at
14 state expense upon mere unsupported request of a
15 petitioner who is unable to pay for them ... so he must
16 satisfy the points raise that have merit and such merit will
be supported by the record ..."

17 WHEREFORE, Petitioner, Mohamed Abdalla Mahmoud, prays that this
18 Honorable Court enter an Order directing the reporter to prepare the foregoing
19 requested ... transcripts', also refer to the case of: George v. State, 122 Nev. 1, 127
20 P.3d 1055 (2006), (defendant was entitled to transcripts and trial evidence to prosecute
21 direct appeal). Also see: NRS 177.325; 177.335; and 177.345.
22

23 DATED this 2 day of March, 20 22.

24
25
26 Mohamed Abdalla Mahmoud # 1222377
27 Affiant, In Forma Pauperis

28 CC: File

ADDITIONAL FACTS OF THE CASE:

1 on August 29, 2019 The Court sentenced the Petitioner
2 on Case No. C-18-334567-1 DEPT. XXX

3 The Petitioner Need The Transcript of Every Thing
4 Said By everyone Participated in This Sentence
5 Day Concern The Petitioner Case "All statements
6 That Have Been Made By everyone in This Day"
7 including The Judge statements, The Petitioner,
8 The victim, The D.A.

9
10 The Petitioner Also sent with his Lawyer A Letter
11 Consist of 3 Pages To The Court About 2 weeks
12 Before The Day of Sentence. The Petitioner Need
13 Copy of This Letter with The Transcript of The
14 Court on 8/29/2019

15
16 These information is essential in The Petitioner
17 Defense Front of The Court and will support his
18 habeas Corpus he Preparing in case the Court Deny
19 his Motion To withdraw The Plea of Guilt.

20
21 and Big Part of The Petitioner Defense will Be Build
22 on These information.

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AFFIDAVIT OF: Mohamed Abdalla Mahmoud

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

TO WHOM IT MAY CONCERN:

I, Mohamed Abdalla Mahmoud the undersigned, do hereby swear that all statements, facts and events within my foregoing Affidavit are true and correct of my own knowledge, information and belief, and as to those, I believe them to be True and Correct. Signed under the penalty of perjury, pursuant to, NRS. 29.010; 53.045; 208.165, and state the following:

I'm currently incarcerated AT southern Desert Correctional Center;
2) This Motion is NOT intended to impede the Course of Justice But in the Furtherance thereof.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

EXECUTED At: Indian Springs, Nevada, this 2 Day OF March

2022.

BY: *He*
Mohamed Abdalla Mahmoud # 1222377
Post Office Box-208 (SDCC)
Indian Springs, Nevada. 89070./
Affiant, In Propria Personam:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Motion

For Transcripts at state Expense
(Title of Document)

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

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

-OR-

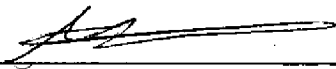
☐ Contains the social security number of a person as required by:

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

3/2/2022
Date

Mohamed Abdalla Mahmoud
Print Name

Petitioner
Title

CERTIFICATE OF SERVICE BY MAILING

I, _____, hereby certify, pursuant to NRCP 5(b), that on this 2
day of March, 2022 I mailed a true and correct copy of the foregoing, "Motion
For Transcripts AT state Expense"
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 Court
200 Lewis Ave, 3RD Floor
Las Vegas, N.V.
89155-1160

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

CC:FILE

DATED: this 2 day of March, 2022.

Mohamed Abdalla Mahmoud #1222377
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

CASE NO. C-18-334567-1

DEPT. NO. XXX

FILED

MAR 15 2022

Adam A. Blum
CLERK OF COURT

Mohamed Abdalla Mahmoud

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent.

MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
REQUEST FOR TRANSCRIPTS AT
STATE EXPENSE

The Petitioner respectfully request that this Court order the production of the transcripts, papers, pleadings, and any other documents with regard to the above-entitled case. That these documents are to be furnished to the petitioner at State Expense, due to his proverty.

That only with proper review of those documents of the above-entitled case will the petitioner be able to adequately prepare a post-conviction petition, or a discrec appeal, that would allege all issues and grounds for relief that he is seeking. PETERSON vs. WARDEN, 87 Nev. 134, 483 P.2d 204 (1971), holds that:

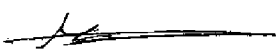
" . . . does not contemplate that a record will be furnished at State Expense upon mere unsupported request of a petitioner who is unable to pay for them. . . so must he satisfy the

1 points raise merit and such merit
2 will be supported by review of the
record. . . "

3 Moreover, the petitioner would be prejudiced absent the Court's
4 granting of the within motion. Petitioner would not have means
5 necessary to file a proper person petition for writ of habeas
6 corpus, post-conviction or direct appeal to the Nevada Supreme
7 Court, that would allow the petitioner to allege all available
8 issues.

9 WHEREFORE, Petitioner, Mohamed Abdalla Mahmoud prays that this Court
10 enter an order directing the reporter to prepare the foregoing
11 requested transcripts.

12 DATED this 2 day of March, 2022.

13 Mohamed Abdalla Mahmoud #1222377
14 
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1 IN THE 8th JUDICIAL DISTRICT AND FOR THE COUNTY
2 OF CLARK

3
4
5 Mohamed Abdallah Mahmoud)
6 Plaintiff,) Case No. C-18-334567-1
7 -vs-) Dept. No. XXX
8 The State of Nevada) Calendared: _____
9 Respondent) File: _____
10 _____)

11 ORDER TO TRANSCRIBE RECORDS
12 IT IS HEREBY ORDERED, that the Clerk of the Court
13 transcribe the records on Paper, Case No.
14 C-18-334567-1, for the dates of 8/29/2019.
15 DATED this ___ day of _____, 2022

16
17
18 BY: _____
19 DISTRICT COURT JUDGE

20 ///
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22 ///
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25 ///
26 ///
27 ///
28 ///

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

2 IN AND FOR THE COUNTY OF Clark

3 Mohamed Abdalla Mahmoud)

4)
5 Petitioner,)

Case No. # C-18-334567-1

6 Vs.)

Dept. No. # XXX

7 the state of Nevada)

Docket No. # _____

8 _____)
9 Respondent(s).)
10 _____)

11 ORDER

12 Upon reading the motion of Petitioner, Mohamed Abdalla Mahmoud, requesting
13 transcripts at state expense, and having determined that the Movant has demonstrated
14 good cause pursuant to Peterson v. Warden, 87 Nev. 134, 483 P.2d 204 (1971);

15 IT IS HEREBY ORDERED that the Petitioner's motion for transcripts at state
16 expense is granted.

17
18 IT IS HEREBY FURTHER ORDERED, that the records be transcribed in the
19 case of _____, Case No. # _____, for the rates of

20 _____
21
22 IT IS HEREBY FURTHER ORDERED, the Clerk of the Court is to prepare all of
23 the transcripts, pleadings, papers, and any other documents in regard to the above-
24 entitled action, and forward said papers to Petitioner.

25 DATED This _____ day of _____, 20 _____

26 CC: File

27
28 _____
DISTRICT JUDGE

1 Mohamed Abdalla Mahmoud X1222377

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

19
FILED

MAR 16 2022

Charm A. Spivey
CLERK OF 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 _____

14
15
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

22 _____
23 ruled on the 23 day of July, 20 20

24
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, NV
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-

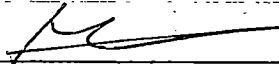
☐ Contains the social security number of a person as required by:

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

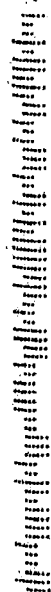
US POSTAGE \$000.53



ZIP 89101
041M12254121

Tai Steven D. Grierson
Clerk of The Court
Zoe Lewis Ave, 3rd Floor
Las Vegas, N.V. 89155-1180

89101-630003



Mohamed Abdalla Mahmoud, 1222377

Petitioner/In Propria Persona,

Post Office Box 208, SDCC

Indian Springs, Nevada 89070-0208

FILED ¹²

MAR 16 2022

Alanna A. Quinn
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, 2022.

RESPECTFULLY SUBMITTED BY:

Mohamed Abdalla Mahmoud, 1222377
Plaintiff/In Propria Persona

RECEIVED

MAR 16 2022

CLERK OF THE COURT



1 ASTA

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

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 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

Heavenly Sign
CLERK OF THE COURT

DA PR
1 Mohamed A. Mahmoud #1222377

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

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

6 IN AND FOR THE COUNTY OF Clark

7
8
9 the state of Nevada

10 Plaintiff,

11 vs.

12 Mohamed A. Mahmoud
13 Defendant.

Case No. C-18-334567-1

Dept. No. XXX

Docket _____

14
15
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 of Guilt

22
23 ruled on the 16th day of February, 20 22. I Received 3/15/2022

24
25 Dated this 18th day of March, 20 22

Respectfully Submitted,

Mohamed Abdalla Mahmoud

RECEIVED
MAR 29 2022
CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, Mohamed Abdalla Mahmoud, hereby certify, pursuant to NRCP 5(b), that on this 18th 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 18th day of March, 2022

Mohamed Abdalla Mahmoud # 1227377
/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]
Signature

3/18/22
Date

Mohamed Abdalla Mohamed
Print Name

Defendant
Title

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

LAS VEGAS NV 890

23 MAR 2022 PM 5 L

quadrant 2614028

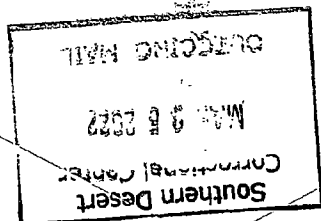
03/25/2022

US POSTAGE \$001.16



ZIP 89101
041M12254121

To: Steven D. Grierson
Clerk of the Court
200 Lewis Ave, 3RD Floor
89155-1160



Heaven & Son
CLERK OF THE COURT

DA
PP
Mohamed Abdalla Mahmoud, 1222377

Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070-0208

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 18th day of March, 2022.

RESPECTFULLY SUBMITTED BY:

Mohamed Abdalla Mahmoud 1222377

Plaintiff/In Propria Persona

RECEIVED

MAR 29 2022

CLERK OF THE COURT

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

LAS VEGAS NV 890

23 MAR 2022PM 5 L

quadrant 2614028 FIRST-CLASS MAIL

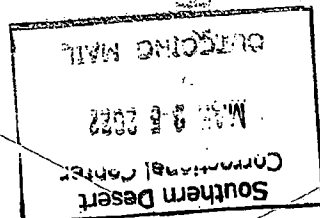
03/25/2022

US POSTAGE \$001.16



ZIP 89101
041M12254121

To: Steven D. Grierson
Clerk of The Court
200 Lewis Ave, 3RD Floor
89155-1160





1 ASTA

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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 aka MOHAMED ABDALLA MAHMOUD
15 MAHMOUD,

16 Defendant(s),

Case No: C-18-334567-1

Dept No: XXX

17
18 **CASE APPEAL STATEMENT**
19

20 1. Appellant(s): Mohamed Abdalla Mahmoud

21 2. Judge: Jerry A. Wiese

22 3. Appellant(s): Mohamed Abdalla Mahmoud

23 Counsel:

24 Mohamed Abdalla Mahmoud #1222377
25 P.O. Box 208
Indian Springs, NV 89070

26 4. Respondent: The State of Nevada

27 Counsel:

28 Steven B. Wolfson, District Attorney

200 Lewis Ave.
Las Vegas, NV 89101
(702) 671-2700

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

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

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

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: Yes

Supreme Court Docket Number(s): 84408

12. Child Custody or Visitation: N/A

Dated This 30 day of March 2022.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

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

cc: Mohamed Abdalla Mahmoud

DOCUMENTARY EXHIBITS

Grand Jury Case # 1706SJ110X

Exhibit # 1

Date 8/30/2018

1 **IND**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 DAVID L. STANTON
6 Chief Deputy District Attorney
7 Nevada Bar #003202
8 SHANON CLOWERS
9 Chief Deputy District Attorney
10 Nevada Bar #010008
11 200 Lewis Avenue
12 Las Vegas, Nevada 89155-2212
13 (702) 671-2500
14 Attorney for Plaintiff
15

16
17 DISTRICT COURT
18 CLARK COUNTY, NEVADA
19

20 THE STATE OF NEVADA,

21 Plaintiff,

CASE NO:

22 -vs-

DEPT NO:

23 MOHAMED ABDALLA MAHMOUD,
24 #6093907

25 Defendant.

INDICTMENT

26 STATE OF NEVADA)
27) ss.
28 COUNTY OF CLARK)

29 The Defendant above named, MOHAMED ABDALLA MAHMOUD, accused by the
30 Clark County Grand Jury of the crime(s) of ATTEMPT MURDER WITH USE OF A
31 DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC
32 50031); ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON
33 (Category B Felony - NRS 200.471 - NOC 50205); ASSAULT WITH A DEADLY WEAPON
34 (Category B Felony - NRS 200.471 - NOC 50201); BURGLARY WHILE IN POSSESSION
35 OF A DEADLY WEAPON (Category B Felony - NRS 205.060 - NOC 50426) and
36 DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE (Category B Felony -
37 NRS 202.287 - NOC 51445), committed at and within the County of Clark, State of Nevada,
38 on or about the 11th day of August, 2018, as follows:

1 COUNT 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill B.
3 BUNITSKY, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at
4 the said B. BUNITSKY with a firearm.

5 COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

6 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill A.
7 BACA, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at the said
8 A. BACA with a firearm.

9 COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

10 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
11 JOSE TREJO, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at
12 the said JOSE TREJO with firearm.

13 COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

14 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
15 PATRICK FRISBY, a human being, with use of a deadly weapon, to wit: a firearm, by
16 shooting at the said PATRICK FRISBY with a firearm.

17 COUNT 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

18 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
19 AMANDA DAVIS, a human being, with use of a deadly weapon, to wit: a firearm, by
20 shooting at the said AMANDA DAVIS with a firearm.

21 COUNT 6 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

22 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
23 VICTOR HERNANDEZ, a human being, with use of a deadly weapon, to wit: a firearm, by
24 shooting at the said VICTOR HERNANDEZ with a firearm.

25 COUNT 7 - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY
26 WEAPON

27 did willfully, unlawfully, feloniously and intentionally place another person in
28 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully

1 attempt to use physical force against another person, to wit: B. BUNITSKY, a protected person
2 employed as a Las Vegas Metropolitan Police Department Officer, while B. BUNITSKY was
3 performing his duties as a Las Vegas Metropolitan Police Department Officer, which
4 Defendant knew, or should have known, that B. BUNITSKY was a Las Vegas Metropolitan
5 Police Department Officer, with use of a deadly weapon, to wit: a firearm, by shooting at the
6 said Officer B. BUNITSKY with a firearm.

7 COUNT 8 - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY
8 WEAPON

9 did willfully, unlawfully, feloniously and intentionally place another person in
10 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully
11 attempt to use physical force against another person, to wit: A. BACA, a protected person
12 employed as a Las Vegas Metropolitan Police Department Officer, while A. BACA was
13 performing his duties as a Las Vegas Metropolitan Police Department Officer, which
14 Defendant knew, or should have known, that A. BACA was a Las Vegas Metropolitan Police
15 Department Officer, with use of a deadly weapon, to wit: a firearm, by shooting at the said
16 Officer A. BACA with a firearm.

17 COUNT 9 - ASSAULT WITH A DEADLY WEAPON

18 did willfully, unlawfully, feloniously and intentionally place another person in
19 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully
20 attempt to use physical force against another person, to wit: JOSE TREJO, with use of a deadly
21 weapon, to wit: a firearm, by shooting at the said JOSE TREJO with a firearm.

22 COUNT 10 - ASSAULT WITH A DEADLY WEAPON

23 did willfully, unlawfully, feloniously and intentionally place another person in
24 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully
25 attempt to use physical force against another person, to wit: PATRICK FRISBY, with use of
26 a deadly weapon, to wit: a firearm, by shooting at the said PATRICK FRISBY with a firearm.

27 //

28 //

1 COUNT 11 - ASSAULT WITH A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and intentionally place another person in
3 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully
4 attempt to use physical force against another person, to wit: AMANDA DAVIS, with use of a
5 deadly weapon, to wit: a firearm, by shooting at the said AMANDA DAVIS with a firearm.

6 COUNT 12 - ASSAULT WITH A DEADLY WEAPON

7 did willfully, unlawfully, feloniously and intentionally place another person in
8 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully
9 attempt to use physical force against another person, to wit: VICTOR HERNANDEZ, with
10 use of a deadly weapon, to wit: a firearm, by shooting at the said VICTOR HERNANDEZ
11 with a firearm.

12 COUNT 13 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

13 did willfully, unlawfully, and feloniously enter ROSS, located at 4000 Blue Diamond
14 Road, Las Vegas, Clark County, Nevada, with intent to commit Attempt Murder and/or
15 Assault with a Deadly Weapon, while in possession of a firearm.

16 COUNT 14 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

17 did willfully, unlawfully, maliciously, and feloniously, while in, on or under a
18 structure, located at 4000 Blue Diamond Road, Las Vegas, Clark County, Nevada, discharge
19 a firearm within or from the structure, while being within an area designated by a City or
20 County Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.

21 COUNT 15 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

22 did willfully, unlawfully, maliciously, and feloniously, while in, on or under a
23 structure, located at 4000 Blue Diamond Road, Las Vegas Clark County, Nevada, discharge a
24 firearm within or from the structure, while being within an area designated by a City or County
25 Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.

26 COUNT 16 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

27 did willfully, unlawfully, maliciously, and feloniously, while in, on or under a
28 structure, located at 4000 Blue Diamond Road, Las Vegas, Clark County, Nevada, discharge

1 a firearm within or from the structure, while being within an area designated by a City or
2 County Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.

3 COUNT 17 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

4 did willfully, unlawfully, maliciously, and feloniously, while in, on or under a
5 structure, located at 4000 Blue Diamond Road, Las Vegas, Clark County, Nevada, discharge
6 a firearm within or from the structure, while being within an area designated by a City or
7 County Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.

8 COUNT 18 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

9 did willfully, unlawfully, maliciously, and feloniously, while in, on or under a
10 structure, located at 4000 Blue Diamond Road, Las Vegas, Clark County, Nevada, discharge
11 a firearm within or from the structure, while being within an area designated by a City or
12 County Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.

13 DATED this _____ day of August, 2018.

14 STEVEN B. WOLFSON
15 Clark County District Attorney
16 Nevada Bar #001565

17 BY

18 DAVID L. STANTON
19 Chief Deputy District Attorney
20 Nevada Bar #003202

21 ENDORSEMENT: A True Bill
22

23 Foreperson, Clark County Grand Jury
24
25
26
27
28

1 Names of Witnesses and testifying before the Grand Jury:

2
3 Additional Witnesses known to the District Attorney at time of filing the Indictment:

4 BACA, AARON – LVMPD #8754

5 CRUZ, BRIAN – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

6 CUSTODIAN OF RECORDS - CCDC

7 CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

8 CUSTODIAN OF RECORDS - LVMPD RECORDS

9 DAVIS, AMANDA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

10 FRISBY, PATRICK – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

11 PATTON, JOSEPH – LVMPD #8289

12 REED, CIENNA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

13 SANCHEZ, VICTOR - c/o CCDA, 200 Lewis Avenue, LV, NV 89101

14 SNOW, CHERYL – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

15 THOMPSON, JOSEPH – LVMPD #6451

16 TREJO, JOSE – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

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LVMPD EV# 1808112712

**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)

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**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

RECORDER:

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 18, 2019

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

July 18, 2019 8:30 AM Sentencing

HEARD BY: Cherry, Michael A. **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

- 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

**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,

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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

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**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

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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****January 25, 2022**

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

January 25, 2022 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: | State of Nevada | Plaintiff |
| | Turner, Robert B. | Attorney |
| | Wood, Jeremy | Attorney |

JOURNAL ENTRIES

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

Court advised the matter was set for a Motion to Withdraw Plea at the end of December and was continued until today for the District Attorney's office to file a responsive pleading. Court noted there was no responsive pleading the file. State advised they were not aware of this matter as it was not listed in their calendar notes. State advised they would make sure an opposition was filed. Colloquy regarding Defendant's other motions. Court ADVANCED and GRANTED Defendant's Motion to Withdraw Counsel. Court requested the Public Defender's office provide the Defendant with a copy of his file. Mr. Wood agreed to send Defendant the file. COURT ORDERED, Motion to Withdraw Guilty Plea Agreement CONTINUED. State to prepare an order to have the Defendant transported for the hearing.

CONTINUED TO: 02/15/22 8:30 AM

NDC

PRINT DATE: 03/31/2022

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 15, 2022**

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

February 15, 2022 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: | Mahmoud, Mohamed Abdalla | Defendant |
| | State of Nevada | Plaintiff |
| | Wyse, Seleste A | Attorney |

JOURNAL ENTRIES

- State and Defendant present via BlueJeans video conferencing.

Court noted this was a Pro Se Motion to Withdraw Guilty Plea and the State filed an Opposition. Upon Court's inquiry, Defendant advised he wrote the Court a letter explaining his reason for withdrawal. Court inquired as to whether the subject letter contained additional information from what was in Defendant's Motion. Defendant indicated the letter contained an additional basis for his complaint of judicial misconduct. Defendant stated he discussed his situation with the Court on the day of sentencing and he made it very clear that he did not attempt to murder anyone. Defendant stated this Court told him that this Court believed Defendant did not attempt to murder anyone and Defendant was just attempting suicide; however, the Court gave him the maximum sentence. Court noted that although that did not sound like something the Court would do, the Court had not recently reviewed the Sentencing hearing. Upon Court's inquiry, the State advised they stood by their written opposition. COURT ORDERED, matter TAKEN UNDER ADVISEMENT for the Court to review the video of the Sentencing hearing before making a decision on the Motion. Court to issue a written order.

C-18-334567-1

NDC

**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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 22, 2022**

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

March 22, 2022 8:30 AM Motion

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

COURT CLERK: Lauren Kidd

RECORDER: Vanessa Medina

REPORTER:

PARTIES

PRESENT: Overly, Sarah Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

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

Court advised the Court already addressed the same Motion filed by the Defendant previously. Defendant's prior Defendant's Motion to Withdraw Guilty Plea was denied. Court indicated this Motion may have been filed at the same time or prior to the Defendant's receiving the Court's Order. Therefore, COURT ORDERED, matter taken OFF CALENDAR as MOOT.

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated March 30, 2022, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises two volumes with pages numbered 1 through 430.

STATE OF NEVADA,

Plaintiff(s),

vs.

MOHAMED ABDELLA 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 31 day of March 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk