

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEANDRE VALENTINE,)	No.	Electronically Filed
)	(Dist Ct. No. C-16-31508-1)	Jun 27 2022 12:33 p.m.
Petitioner,)		Elizabeth A. Brown
)		Clerk of Supreme Court
v.)		
)		
THE EIGHTH JUDICIAL DISTRICT)		
COURT OF THE STATE OF NEVADA,)		
COUNTY OF CLARK, THE)		
HONORABLE JACQUELINE)		
BLUTH, DISTRICT COURT JUDGE,)		
)		
Respondent,)		
)		
THE STATE OF NEVADA,)		
)		
Real Party in Interest.))		

ADDENDUM TO PETITIONER’S MOTION TO WITHDRAW
PETITION FOR A WRIT OF
MANDAMUS OR PROHIBITION

COMES NOW the Petitioner, KEANDRE VALENTINE, by and through his counsel, Chief Deputy Public Defenders, SHARON G. DICKINSON and TYLER GASTON, and pursuant to NRAP 27, files this addendum to Petitioner’s Motion to Withdraw Petition for a Writ of

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Mandamus or Prohibition. The motion is based upon the attached Declaration of Counsel.

DATED this 27th day of June, 2022.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By _____
SHARON G. DICKINSON, #3710
Chief Deputy Public Defender

DECLARATION OF SHARON G. DICKINSON

1. That affiant is an attorney duly licensed to practice law in the State of Nevada and is the Chief Deputy Clark County Public Defender assigned to represent KEANDRE VALENTINE on his appeal in this matter.

2. I am more than 18 years of age and am competent to testify to the matters stated herein. I am familiar with the procedural history of this case and have personal knowledge of the facts stated herein or I have been informed of these facts and believe them to be true.

3. On June 24, 2022, the District Court filed the Amended Judgement of Conviction and the Clerk's Office closed Mr. Valentine's district court case. The Amended Judgement is attached.

Executed on the 27th day of June, 2022.

By /SS/ Sharon G. Dickinson
SHARON G. DICKINSON, #3710
Chief Deputy Public Defender

Steven D. Grierson

JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

KEANDRE VALENTINE,
#5090875

Defendant,

CASE NO. C-16-316081-1

DEPT. NO. VI

AMENDED JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.165; COUNT 2 – BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony) in violation of NRS 205.060, COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.38, 193.165, COUNT 4 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.38, 193.165, COUNT 5 – BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony) in violation of NRS 205.060; COUNT 6 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.165; COUNT 7 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.165; COUNT 8 – ATTEMPT

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<input type="checkbox"/> Nolle Prosequi (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 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 checked="" type="checkbox"/> Other Manner of Disposition	

1 ROBBERY WITH USE OF DEADLY WEAPON (Category B Felony) in violation of
2 NRS 200.380, 193.330, 193.165; COUNT 9 – ROBBERY WITH USE OF A
3 DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.165;
4 COUNT 10 - BURGLARY WHILE POSSESSION OF A DEADLY WEAPON
5 (Category B Felony) in violation of NRS 205.060; COUNT 11 – ROBBERY WITH
6 USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380,
7 193.165; COUNT 12 – POSSESSION OF DOCUMENT OR PERSONAL
8 IDENTIFYING INFORMATION (Category E Felony) in violation of NRS 205.465;
9 COUNT 13 – POSSESSION OF CREDIT OR DEBIT CARD WITHOUT
10 CARDHOLDER’S CONSENT (Category D Felony) in violation of NRS 205.690 and
11 COUNT 14 – POSSESSION OF CREDIT OR DEBIT CARD WITHOUT
12 CARDHOLDER’S CONSENT (Category D Felony) in violation of NRS 205.690;
13 and the matter having been tried before a jury and the Defendant having been found
14 guilty of the crimes of COUNT 1 – ROBBERY WITH USE OF A DEADLY
15 WEAPON (Category B Felony) in violation of NRS 200.380, 193.165; COUNT 2 –
16 BURGLARY WHILE IN POSSESSION OF DEADLY WEAPON (Category B
17 Felony) in violation of NRS 205.060; COUNT 3 – ROBBERY WITH USE OF A
18 DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.165;
19 COUNT 4 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B
20 Felony) in violation of NRS 200.380, 193.165; COUNT 5 – BURGLARY WHILE IN
21 POSSESSION OF A DEADLY WEAPON (Category B Felony) in violation of NRS
22 205.060; COUNT 6 – ROBBERY WITH USE OF A DEADLY WEAPON (Category
23 B Felony) in violation of NRS 200.380; 193.165; COUNT 7 – ROBBERY WITH
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1 USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380,
2 193.165; COUNT. 8 – ATTEMPT ROBBERY WITH USE OF A DEADLY
3 WEAPON (Category B Felony) in violation of NRS 200.380, 193.330, 193.165;
4 COUNT 9 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B
5 Felony) in violation of NRS 200.380, 193.165; COUNT 10 – BURGLARY WHILE
6 IN POSSESSION OF A DEADLY WEAPON (Category B Felony) in violation of
7 NRS 205.060; COUNT 11 – ROBBERY WITH USE OF A DEADLY WEAPON
8 (Category B Felony) in violation of NRS 200.380, 193.165; COUNT 12 –
9 POSSESSION OF DOCUMENT OR PERSONAL IDENTIFYING INFORMATION
10 (Category E Felony) in violation of NRS 205.465; COUNT 13 – POSSESSION OF
11 CREDIT OR DEBIT CARD WITHOUT CARDHOLDER’S CONSENT (Category D
12 Felony) in violation of NRS 205.690 and COUNT 14 – POSSESSION OF CREDIT
13 OR DEBIT CARD WITHOUT CARDHOLDER’S CONSENT (Category D Felony)
14 in violation of NRS 205.690; thereafter on the 28th day of September, 2017, the
15 Defendant was present in court for sentencing with counsel Tegan Machnich, Deputy
16 Public Defender, and good cause appearing.

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21 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
22 addition to the \$25.00 Administrative Assessment Fee, \$1,000.00 Restitution and
23 \$150.00 DNA Analysis Fee including testing to determine genetic markers plus \$3.00
24 DNA Collection Fee, the Defendant is SENTENCED to the Nevada Department of
25 Corrections (NDC) as follows: **COUNT 1** – a MAXIMUM of FIVE (5) YEARS with
26 a MINIMUM parole eligibility of TWO (2) YEARS, plus a CONSECUTIVE term of
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1 THREE (3) YEARS with a MINIMUM parole eligibility of ONE (1) YEAR for the
2 Use of a Deadly Weapon, total 3-8 years; **COUNT 2** – a MAXIMUM of EIGHT (8)
3 YEARS with a MINIMUM parole eligibility of THREE (3) YEARS, to run
4 CONCURRENT with COUNT 1; and **COUNT 3** – a MAXIMUM of FIVE (5)
5 YEARS with a MINIMUM parole eligibility of TWO (2) YEARS, plus a
6 CONSECUTIVE term of THREE (3) YEARS with a MINIMUM parole eligibility of
7 ONE (1) YEAR for the Use of a Deadly Weapon, to run CONSECUTIVE to Count 1,
8 total 3-8 years; **COUNT 4** – a MAXIMUM of FIVE (5) YEARS with a MINIMUM
9 parole eligibility of TWO (2) YEARS, plus a CONSECUTIVE term of THREE (3)
10 YEARS with a MINIMUM parole eligibility of ONE (1) YEAR for the Use of a
11 Deadly Weapon, to run CONSECUTIVE to COUNT 1 and 3, total 3-8 years;
12 **COUNT 5** – a MAXIMUM of EIGHT (8) YEARS with a MINIMUM parole
13 eligibility of THREE (3) YEARS, to run CONCURRENT With Counts 1, 2, 3 and 4;
14 **COUNT 6** – a MAXIMUM of FIVE (5) YEARS with a MINIMUM parole eligibility
15 of TWO (2) YEARS plus a CONSECUTIVE term of THREE (3) YEARS with a
16 MINIMUM parole eligibility of ONE (1) YEAR for the Use of a Deadly Weapon, to
17 run CONSECUTIVE to Count 1, 3, and 4, total 3-8 years, **COUNT 7** – a
18 MAXIMUM of FIVE (5) YEARS with a MINIMUM parole eligibility of TWO (2)
19 YEARS, plus a CONSECUTIVE term of THREE (3) YEARS with a MINIMUM
20 parole eligibility of ONE (1) YEAR for the Use of a Deadly Weapon, to run
21 CONSECUTIVE to Counts 1, 3, 4, and 6, total 3-8 years; **COUNT 8** – a MAXIMUM
22 of EIGHT (8) YEARS with a MINIMUM parole eligibility of THREE (3) YEARS, to
23 run CONCURRENT with Counts 1, 2, 3, 4, 5, 6 and 7; **COUNT 9** – a MAXIMUM of
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1 FIVE (5) YEARS with a MINIMUM parole eligibility of TWO (2) YEARS, plus a
2 CONSECUTIVE term of THREE (3) YEARS with a MINIMUM parole eligibility of
3 ONE (1) YEAR for the Use of a Deadly Weapon, to run CONSECUTIVE to Counts
4 1, 3, 4, 6, and 7, total 3-8 years; **COUNT 10** – a MAXIMUM of EIGHT (8) YEARS
5 with a MINIMUM parole eligibility of THREE (3) YEARS, to run CONCURRENT
6 with Counts 1, 2, 3, 4, 5, 6, 7, 8 and 9; **COUNT 11** – a MAXIMUM of FIVE (5)
7 YEARS with a MINIMUM parole eligibility of TWO (2) YEARS, plus a
8 CONSECUTIVE term of THREE (3) YEARS with a MINIMUM parole eligibility of
9 ONE (1) YEAR for the Use of a Deadly Weapon; total 3-8 years to run
10 CONCURRENT with COUNTS 1, 3, 4, 6, 7, 8, 9 and 10; **COUNT 12** – a
11 MAXIMUM of THREE (3) YEARS with a MINIMUM parole eligibility of ONE (1)
12 YEAR, to run CONCURRENT with COUNTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11;
13 **COUNT 13** – a MAXIMUM of THREE (3) YEARS with a MINIMUM parole
14 eligibility of ONE (1) YEAR to run CONCURRENT with COUNTS 1, 2, 3, 4, 5, 6, 7,
15 8, 9, 10, 11, and 12; **COUNT 14** – a MAXIMUM of THREE (3) YEARS with a
16 MINIMUM parole eligibility of ONE (1) YEARS to run CONCURRENT with
17 COUNTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13; with FOUR HUNDRED AND
18 EIGHTY-NINE (489) DAYS credit for time served. The AGGREGATE TOTAL
19 sentences is FORTY-EIGHT (48) YEARS MAXIMUM and a MINIMUM PAROLE
20 ELIGIBILITY OF EIGHTEEN (18) YEARS.
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26 Thereafter, on the 19th day of December 2019, the Nevada Supreme Court decided
27 Mr. Valentine's direct appeal in *Valentine v. State*, 135 Nev. 463 (2019). The Nevada
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1 Supreme Court reversed the convictions on counts 4 and 9, finding that they were not
2 supported by sufficient evidence. The Court vacated the remaining convictions and
3 remanded the case to the District Court for a Fair Cross-Section evidentiary hearing.
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5 Thereafter, on the 7th day of February 2022, the District Court began the
6 evidentiary hearing. The Court later set a second hearing date.

7 Thereafter, on the 23rd day of June 2022, the parties entered into an agreement
8 allowing the District Court to re-sentence Mr. Valentine upon his agreement to waive
9 the completion of the evidentiary hearing.
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11 Thereafter, the District Court reinstated the judgment of convictions except for the
12 conviction in Counts 4 and 9. The District Court sentenced the DEFNDANT to the
13 Nevada Department of Corrects (NDC) as follows:
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15 THE DEFENDANT IS HEREBY ADJUDGED guilty of said following offenses
16 and, in addition to the \$25.00 Administrative Assessment Fee, and \$1,000.00
17 Restitution:
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19 **COUNT 1** – a MAXIMUM of FIVE (5) YEARS with a MINIMUM parole
20 eligibility of TWO (2) YEARS, plus a CONSECUTIVE term of THREE (3) YEARS
21 with a MINIMUM parole eligibility of ONE (1) YEAR for the Use of a Deadly
22 Weapon, total 3-8 years;
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25 **COUNT 2** – a MAXIMUM of EIGHT (8) YEARS with a MINIMUM parole
26 eligibility of THREE (3) YEARS, to run CONCURRENT with COUNT 1; and
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1 **COUNT 3** – a MAXIMUM of FIVE (5) YEARS with a MINIMUM parole
2 eligibility of TWO (2) YEARS, plus a CONSECUTIVE term of THREE (3) YEARS
3 with a MINIMUM parole eligibility of ONE (1) YEAR for the Use of a Deadly
4 Weapon, to run CONSECUTIVE to COUNT 1, total 3-8 years;

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6 **COUNT 5** – a MAXIMUM of EIGHT (8) YEARS with a MINIMUM parole
7 eligibility of THREE (3) YEARS, to run CONCURENT With COUNT 1.

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9 **COUNT 6** – a MAXIMUM of FIVE (5) YEAS with a MINIMUM parole
10 eligibility of TWO (2) YEARS plus a CONSECUTIVE term of THREE (3) YEARS
11 with a MINIMUM parole eligibility of ONE (1) YEAR for the Use of a Deadly
12 Weapon, to run CONSECUTIVE to COUNT 3, total 3-8 years,

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14 **COUNT 7** – a MAXIMUM of FIVE (5) YEARS with a MINIMUM parole
15 eligibility of TWO (2) YEARS, plus a CONSECUTIVE term of THREE (3) YEARS
16 with a MINIMUM parole eligibility of ONE (1) YEAR for the Use of a Deadly
17 Weapon, to run CONCONCURENT To COUNT 1, total 3-8 years;

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19 **COUNT 8** – a MAXIMUM of EIGHT (8) YEARS with a MINIMUM parole
20 eligibility of THREE (3) YEARS, to run CONCURRENT with COUNT 1;

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22 **COUNT 10** – a MAXIMUM of EIGHT (8) YEARS with a MINIMUM parole
23 eligibility of THREE (3) YEARS, to run CONCURRENT with COUNT 1;

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25 **COUNT 11** – a MAXIMUM of FIVE (5) YEARS with a MINIMUM parole
26 eligibility of TWO (2) YEARS, plus a CONSECUTIVE term of THREE (3) YEARS
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1 with a MINIMUM parole eligibility of ONE (1) YEAR for the Use of a Deadly
2 Weapon; total 3-8 years to run CONCURRENT with COUNT 1;

3 **COUNT 12** – a MAXIMUM of THREE (3) YEARS with a MINIMUM parole
4 eligibility of ONE (1) YEAR, to run CONCURRENT with COUNT 1;
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6 **COUNT 13** – a MAXIMUM of THREE (3) YEARS with a MINIMUM parole
7 eligibility of ONE (1) YEAR to run CONCURRENT with COUNT 1;
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9 **COUNT 14** – a MAXIMUM of THREE (3) YEARS with a MINIMUM parole
10 eligibility of ONE (1) YEARS to run CONCURRENT with COUNT 1; with TWO
11 THOUSAND TWO HUNDRED AND EIGHTEEN (2218) DAYS credit for time
12 served and all additional credits he has received while in custody on this charge since
13 2016 to include, but not limited to, good time credits, work credits, and educational
14 credits.
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17 The AGGREGATE TOTAL sentence is TWENTY-FOUR (24) YEARS
18 MAXIMUM and a MINIMUM PAROLE ELIGIBILITY OF NINE (9) YEARS.

19 DATED this 23rd day of June, 2022.
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25 JACOBELINE BLUTH
26 DISTRICT COURT JUDGE
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CERTIFICATE OF COMPLIANCE

1. I hereby certify that this addendum complies with the formatting requirements of NRAP 27 and 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because: This motion has been prepared in a proportionally spaced typeface using Times New Roman in 14 size font.

2. I further certify that this motion complies with the page or type-volume limitations of NRAP 27(d)(1): Proportionately spaced, has a typeface of 14 points or more and is less than 10 pages, minus attachment.

3. Finally, I hereby certify that I have read this motion, and to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purpose. I further certify that this motion complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 27. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 27 th day of June, 2022.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER
By /s// Sharon Dickinson
SHARON G. DICKINSON, #3710
Chief Deputy Public Defender

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 27th day of June, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

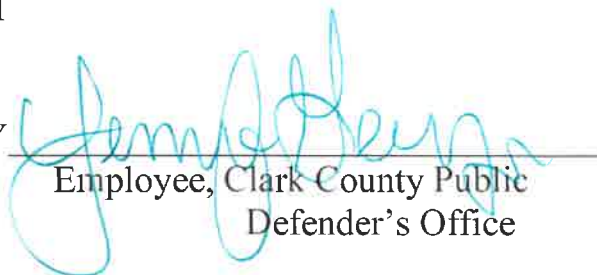
AARON D. FORD
ALEXANDER CHEN

SHARON G. DICKINSON

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

Honorable Jacqueline Bluth
District Court, Department VI
200 Lewis Avenue
Las Vegas, NV 89101

BY



Employee, Clark County Public
Defender's Office