

IN THE SUPREME COURT OF THE STATE OF NEVADA

CEDRIC LEROB JACKSON,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

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Case No: 10C265339-1
Related Case A-22-849718-W
Docket No: 84790

RECORD ON APPEAL VOLUME 3

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XIII. PRESENTATIONS

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3. Orrison WW Jr, Robertson WC, Sackett JF. Computed Tomographic Evaluation of Infants with Subdural Hematomas. Presented at XI Symposium Neuroradiologicum. Weisbaden, Germany, June 5, 1978.
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23. Orrison WW Jr. Head and Skull Radiology. Presented at Level IV, Trauma Nurse Specialist Program, Trauma Support Services, University of New Mexico Hospital, Albuquerque, New Mexico, August 1987.
24. Orrison WW Jr. Gadolinium DTPA as a Contrast Agent in Magnetic Resonance Imaging. Presented at the University of New Mexico School of Medicine Course in Magnetic Resonance Principles and Practice, Albuquerque, New Mexico, October 2, 1987.
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51. Ward E, Orrison WW Jr. Dynamic Anatomy and Mechanics of Dural Puncture. Presented at Student Research Day, Albuquerque, New Mexico, January 26, 1989.

52. Hadford D, Orrison WW Jr. Gadolinium-DTPA and Ultra-Low Field Strength Magnetic Resonance Imaging. Presented at Student Research Day, Albuquerque, New Mexico, January 26, 1989.
53. Ward E, Orrison WW Jr. Dynamic Anatomy and Mechanics of Dural Puncture. Presented at the Western Student Medical Research Forum, Carmel, California, February 9, 1989.
54. Sze G, Bartlett C, Dillon WP, Haughton VM, Orrison WW Jr, Stimac GE, Kashanian F, Goldstein HA. Gadopentetate Dimeglumine as an MR Contrast Agent in the Spine: Results of a Multicenter Study. Presented to the ASNR, March 1989.
55. Orrison WW Jr, Jackson PS, George JS, Davis LE, Flynn ER. Correlation of Magnetoencephalography with 3-D Acquisition and Display MRI. Presented to the ASNR, March 1989.
56. Tryhus MR, Orrison WW Jr, Griffey MS, King JN, Demarest GB. MRI and Acute Spine Trauma. Presented to the ASNR, March 1989.
57. Dougherty SP, Jahnke RW, Orrison WW Jr. High Resolution CT for Cervical Radiculopathy. Presented to the ASNR, March 1989.
58. Tryhus MR, Orrison WW Jr, Snyder RD, Griffey MS. Magnetic Resonance Imaging in Navajo Neuropathy. Presented to the ASNR, March 1989.
59. Griffey MG, Sze GK, Orrison WW Jr, Tryhus MR. Gadolinium-DTPA in the Evaluation of Conus Metastatic Disease. Presented to the ASNR, March 1989.
60. Dougherty SP, Jahnke RW, Orrison WW Jr. High Resolution CT for Cervical Radiculopathy. Presented to the ASNR, March 1989.
61. Griffey MS, Orrison WW Jr, Tryhus MR, King JN, Demarest GB. Cranial Emergency Room MRI. Presented to the ASNR, March 1989.
62. Orrison WW Jr. New Frontiers in Magnetic Resonance Imaging. Presented at Neurology 1989: New Approaches to Common Problems, Albuquerque, New Mexico, May 6, 1989.
63. Demarest GB, Clevenger F, Osler T, Orrison WW Jr. Therapeutic Relevance of Magnetic Resonance Imaging in Acute Head Trauma. Presented to 5th World Congress on Intensive and Critical Care Medicine, Kyoto, Japan, September 1989.
64. Orrison WW Jr, King JN, Demarest GB. Cranial Emergency Room MRI. Presented to the Western Neuroradiological Society Annual Meeting, Pebble Beach, California, October 13, 1989.

65. Orrison WW Jr. Radiography of Cervical Spine Fractures. Presented at the University of New Mexico Update for Radiographers, November 10, 1989.
66. Orrison WW Jr. CT/MRI in the Central Nervous System. Presented at the University of New Mexico for Radiographers, November 11, 1989.
67. Orrison WW Jr, Stimac GK, Stevens EA, LaMasters DL, Espinosa MC, Cobb L, Mettler FA. Comparison of CT, Ultra-Low-Field MRI, and High-Field MRI. Presented to the RSNA, Chicago, Illinois, November 1989.
68. Hadford D, Orrison WW Jr, Stimac GK, Kelsey C. MR Imaging Strategies at Ultra-Low-Field Strength Using an Agarose Phantom; Comparison of Spin Echo and 3-D Gradient Echo Techniques and Assessment of Timing of Administration. Presented to the RSNA, Chicago, Illinois, November 1989.
69. Dougherty SP, Jahnke RW, Orrison WW Jr. High-Resolution CT for Cervical Radiculopathy. *Radiology*, 173(P):485, November 1989.
70. Orrison WW Jr. Cranial and Cervical Trauma. Presented to the Aspen Valley Medical Society, Aspen, Colorado, November 20, 1989.
71. Orrison WW Jr. Computerized Tomography, High-Field and Low-Field Comparison in CNS. Presented to the Aspen Valley Medical Society, Aspen, Colorado, November 20, 1989.
72. Kirsch CF, Sillerud LO, Orrison WW Jr, Won DW, Halliday KR, Berton M, Van Hulsteyn D. Examination of Spinal Cord Injury Using High Field (9.4 Tesla) ¹H and ¹³C Nuclear Magnetic Resonance Imaging and Spectroscopy. Presented to the ASNR, March 1990.
73. Orrison WW Jr, George J, Ranken D, Aiune C, Sullivan G, Davis L. Video Real Time Display of Magnetoencephalographic Data on Two-Dimensional and Three-Dimensional MRI. Presented to the ASNR, March 1990.
74. Hart BL, Orrison WW Jr, Pacella BL, Hussain S. Adult Epiglottitis: MRI of an Acute Case and Review of the Literature. Presented to the ASNR, March 1990.
75. Hart BL, Jahnke RW, Hardy TL, Orrison WW Jr. Stereotactic Aspiration of Colloid Cysts: CT and MR Appearance. Presented to the ASNR, March 1990.
76. Orrison WW Jr, Benzel E, Kesterson L, Marchand E, Willis B. Cranial Emergency Room Ultra Low-Field MRI. Presented at American Association of Neurological Surgeons, May 2, 1990.

77. Orrison WW Jr, Kesterson L, Benzel E, Marchand E, Willis B. Cranial Emergency Room Ultra Low-Field MRI. Presented at American Association of Neurological Surgeons, May 2, 1990.
78. Orrison WW Jr, Benzel E, Kesterson L, Marchand E, Willis B. MRI of Acute Spine Trauma. Presented at American Association of Neurological Surgeons, May 2, 1990.
79. Orrison WW Jr. Neuroradiology Update for Forensic Psychiatry. Presented at the New Mexico State Mental Hospital, Las Vegas, New Mexico, May 16, 1990.
80. Orrison WW Jr. Comparison of CT, Ultra-Low-Field MRI and High-Field MRI. Presented at the Fourteenth Annual Neurology Resident-Faculty Research Day, June 8, 1990.
81. Orrison WW Jr. CNS MR: Comparison with High Field MR & CT. Presented at Advances in Mid & Low Field Magnetic Resonance Imaging Conference, Portland, Oregon, September 15, 1990.
82. Orrison WW Jr. Emergency Cranial & Spinal MR. Presented at Advances in Mid & Low Field Magnetic Resonance Imaging, Portland, Oregon, September 15, 1990.
83. Ritterbush JF, McGinty LD, Spar JA, Orrison WW Jr. MRI for Subluxation and Stenosis in Klippel-Feil. Presented to the Scoliosis Research Society, September 1990.
84. Nachbar JM, Orrison WW Jr. Validation of Quantification of Breast Implant Capsule Volume and Surface Area by Low-Field MRI. Submitted for presentation at the Proceedings of the American Society for Plastic Reconstruction Surgery, Annual Meeting, October 1990.
85. Orrison WW Jr, Stimac G, Stevens EA, LaMasters DL, Espinosa MC, Cobb L, Mettler FA. Comparison of CT, Ultra Low-Field MRI and High-Field MRI. Presented to the Western Neuroradiology Society, October 18-21, 1990.
86. Greiner FG, Orrison WW Jr, Stewart MA. Atlanto-occipital Dissociation: Case Report of a Long Term Survivor. Presented to the Western Neuroradiological Society, October 18-21, 1990.
87. Hart BL, Orrison WW Jr, Pacella BL, Husain S. Adult Epiglottitis: Case Report with MR. Presented to the Western Neuroradiological Society, October 18-21, 1990.
88. Ritterbush JF, McGinty LD, Spar JA, Orrison WW Jr. MRI for Subluxation and Stenosis in Klippel-Feil. Presented at the Cervical Spine Research Society, November 1990.

89. Orrison WW Jr. Radiography of Cervical Spine Fractures. Presented at the Update for Radiographers, University of New Mexico, Albuquerque, New Mexico, November 2-3, 1990.
90. Ward E, Orrison WW Jr. Dynamic Anatomy and Mechanics of Lumbar Puncture. Presented to the RSNA, November 25-30, 1990.
91. Hart BL, Orrison WW Jr, Pacella B, Husain S. Adult Epiglottitis: Review and MRI of an Acute Case. Presented to the RSNA, November 25-30, 1990.
92. Orrison WW Jr, George J, Rankin D, Aine C, Sullivan G, Davis L. Correlation of Magnetoencephalography with 3-D Acquisition and Display MRI. Presented to the RSNA, November 25-30, 1990.
93. Hart BL, Orrison WW Jr, King JN, Rodeman D, Rhyne R, Espinosa MC. Comparison of White Matter Lesions at 0.064T and 1.5T. Presented to the RSNA, November 25-30, 1990.
94. Hart BL, Orrison WW Jr, Pacella B, Husain S. Adult Epiglottitis: Review and MRI of an Acute Case, Radiology Supplement November 25-30, 1990.
95. Orrison WW Jr. MR-CT Comparisons. Presented to Loveland Hospital Radiology Group, Loveland, CO, January 18, 1991.
96. Orrison WW Jr. Recent Advances in MRI. Presented to Oakland Magnetic Imaging, Oakland, CA, January 29, 1991.
97. Kesterson L, Benzel EC, Orrison WW Jr. Magnetic Resonance Imaging of Spinal Cord in ALD-AMN Complex. Presented to the Lende Neurosurgery Conference, Snowbird, Utah, February 1991.
98. McGinty L, Ritterbusch JF, Orrison WW Jr, Spar J. MRI Evaluation for Stenosis and Subluxation in Klippel-Feil Syndrome. Presented to The American Academy of Orthopaedic Surgeons Fifty-Eighth Annual Meeting, Anaheim, CA, March 1991.
99. Orrison WW Jr. Temporal Bone Imaging. Presented to the Grand Rounds: Division of Otolaryngology, April 1991.
100. Wagner WJ, Bruno A, Orrison WW Jr. Brain MRI Abnormalities in Carbon Monoxide Intoxication. Presentation at American Academy of Neurology meeting, Boston, MA, April 23, 1991.
101. Doezeema D, King JN, Tandberg D, Espinosa MC, Orrison WW Jr. Magnetic Resonance Imaging in Minor Head Injury. Presented to Society for Academic Emergency Medicine, Washington, D.C., May 12-15, 1991.

102. Orrison WW Jr. Recent Advances in Neuroradiology. Presented to Neurology '91: New Approaches to Common Problems, May 18, 1991.
103. Greiner FG, Orrison WW Jr, King JN, Willis BK, Kesterson L, Benzel EC. Vertebral Artery Injury Associated with Cervical Spine Fractures. Presented to ASNR, Washington, D.C., June 9-14, 1991.
104. Hart BL, Willis BK, Dorin RI, Crooks L, Orrison WW Jr. The Imaging Spectrum of Pituitary Apoplexy: Findings, Pathologic Correlation, and Implications for Imaging. Presented to ASNR, Washington, D.C., June 9-14, 1991.
105. Garcia EM, Hart BL, Benzel EC, Orrison WW Jr. Transverse Ligament Rupture without Neurologic Manifestation: MR and CT Appearance. Presented to ASNR, Washington, D.C., June 9-14, 1991.
106. Greiner FG, Orrison WW Jr, Benzel EC, Stewart M. Atlanto-Occipital Dislocation: Case Report of a Long Term Survivor. Presented to ASNR, Washington, D.C., June 9-14, 1991.
107. Orrison WW Jr, Gentry LR, Stimac GK, Cobb L, Espinosa MC. Blinded Comparison of Cranial Emergency Room CT and MR. Poster presentation ASNR, Washington, D.C., June 9-14, 1991.
108. Orrison WW Jr, Ward E. Dynamic Anatomy and Mechanics of Lumbar Puncture. Presented to ASNR, Washington, D.C., June 9-14, 1991.
109. Orrison WW Jr, George J, Ranken D, Sullivan GW, Hart BL, Davis LE. Correlation of Magnetoencephalography with 3-D acquisition and Display MR. Presented to ASNR, Washington, D.C., June 9-14, 1991.
110. Orrison WW Jr, Hart BL, Cobb L, Espinosa MC. MR, CT, and Plain Film Comparison in Acute Cervical Spine Trauma. Presented at ASNR, Washington, D.C., June 9-14, 1991.
111. Greiner FG, Orrison WW Jr, King JN, Willis BK, Kesterson L, Benzel EC. Vertebral Artery Injury Associated with Cervical spine Fractures. Poster presentation ASNR, Washington, D.C., June 9-14, 1991.
112. Willis BK, Greiner F, Orrison WW Jr, Benzel EC. The Incidence of Vertebral Artery Injury Following Mid-Cervical Spine Subluxation and Foramen Transversarium Fractures. Presented at the Annual Rocky Mountain Neurosurgical Society Meeting, Jackson Hole, Wyoming, June 23-27, 1991.
113. Orrison WW Jr. Cerebrovascular Disease Update. Presented at the Veterans Administration Medical Center Neurology Review Course, La Posada de Albuquerque Hotel, Albuquerque, New Mexico, August 16, 1991.

114. Orrison WW Jr. MR of White Matter Disease. Presented at the 3rd Annual Advances in Mid & Low Field Magnetic Resonance Imaging, Orlando, Florida, September 12-15, 1991.
115. Orrison WW Jr. MR of Hemorrhage: Appearance at Different Field Strengths. Presented at the 3rd Annual Advances in Mid and Low Field Magnetic Resonance Imaging, Orlando, Florida, September 12-15, 1991.
116. Orrison WW Jr, Benzel EC, Davis L, George J. Correlation of magnetoencephalography with 3-D Acquisition and Display MRI. Presented to the 41st Annual Meeting of the Congress of Neurological Surgeons, Orlando, Florida, October 26-31, 1991.
117. Willis BK, Benzel EC, Orrison WW Jr. The Incidence of Vertebral Artery Injury Following Mid-Cervical Spine Subluxation and Foramen Transversarium Fractures. Presented to the 41st Annual Meeting of the Congress of Neurological Surgeons, Orlando, Florida, October 26-31, 1991.
118. Benzel EC, Kesterson L, Willis BK, Orrison WW Jr, Espinosa MC. MRI, CT and Plain Film Comparison in Acute Cervical Spine Trauma. Presented to the 41st Annual Meeting of the Congress of Neurological Surgeons, Orlando, Florida, October 26-31, 1991.
119. Orrison WW Jr. Recent Advances in MRI. Presented at Update for Radiographers, sponsored by The University of New Mexico School of Medicine, Department of Radiology and the UNM Office of Continuing Education, Albuquerque, NM, November 2, 1991.
120. Ostler, Turner, Orrison WW Jr. Current Controversies in Closed Head Injuries: Update. Presented at 4th Annual Critical Care Symposium, University of Texas, Dallas, Texas, November 2, 1991.
121. Orrison WW Jr, Stimac GK, Stevens EA, LaMasters DL, Espinosa MC. Comparison of CT, Ultra-Low-Field MR Imaging, and High-Field MR Imaging. Presented at RSNA, Chicago, Illinois, December 1-6, 1991.
122. Orrison WW Jr, Hardy T, Sanders J, Benzel E, Marchand E, Brynildson L. Preoperative Functional Brain Mapping with MEG and MR Imaging. Presented at RSNA, Chicago, Illinois, December 1-16, 1991.
123. Orrison WW Jr, Gentry LR, Stimac GK, Cobb L, Espinosa MC. Blinded Comparison of Cranial Emergency Room CT and MR Imaging. Presented at RSNA, Chicago, Illinois, December 1-6, 1991.

124. Hart BL, Willis BK, Dorin RI, Crooks L, Orrison WW Jr. Imaging Spectrum of Pituitary Apoplexy: Findings, Pathologic Correlation, and Implications for Imaging. Presented at RSNA, Chicago, Illinois, December 1-6, 1991.
125. Orrison WW Jr, Hart BL, Cobb L, Espinosa MC. MR Imaging, CT, and Plain Radiographic Comparison in Acute Spine Trauma. Presented at RSNA, Chicago, Illinois, December 1-6, 1991.
126. Orrison WW Jr, Sanders JA, Hart BI, Gallen CC, Sobel DF, Davis LM. Magnetic Resonance Functional Mapping. Poster presentation RSNA, Chicago, Illinois, December 1-6, 1991.
127. Ritterbush JF, McGinty LD, Orrison WW Jr, Spar JA. MRI Evaluation of Occipital-Cervical Junction Dynamic Anatomy. Presented at the American Academy of Orthopaedic Surgeons, Washington, D.C., February 1992.
128. Cohen M, Ritterbush JF, Orrison WW Jr. MRI Analysis of Cervical-medullary Junction Anatomy in Normal Subjects. Presented at the American Academy of Orthopaedic Surgeons, Washington, D.C., February 1992.
129. Orrison WW Jr. Clinical Applications of MSI. Presented at The First Japanese MEG Symposium, Tokyo University, Tokyo, Japan, February 8, 1992.
130. Orrison WW Jr. Clinical Applications of MSI. Presented at Osaka University, Osaka, Japan, February 10, 1992.
131. Orrison WW Jr. Clinical Applications of MSI. Presented at Fukui Medical School, Fukui, Japan, February 12, 1992.
132. Orrison WW Jr. Clinical Applications of MSI. Presented at Kyoto University, Kyoto, Japan, February 12, 1992.
133. Orrison WW Jr. Clinical Applications of MSI. Presented at Okayama University Medical School, Okayama, Japan, February 13, 1992.
134. Orrison WW Jr. Clinical Applications of MSI. Presented at Kyoto Prefectural University of Medicine, Kyoto, Japan, February 14, 1992.
135. Orrison WW Jr. Clinical Applications of MSI. Presented at Osaka City University Medical School, Osaka, Japan, February 14, 1992.
136. Sullivan GW, Orrison WW Jr. Digital Diagnostic Imaging. Presented at Biomedical Technology Workshop, Los Alamos National Laboratory, Santa Fe, New Mexico, February 26, 1992.

137. Orrison WW Jr, Sanders JA, Espinosa MC, Sisk P, Sullivan GW, Langner GC, Matthews K. Digital Diagnostic Imaging: An Enhanced Radiological Tool. Poster, February 26, 1992.
138. Hart BL, Willis BK, Dorin RI, Crooks L, Orrison WW Jr. Imaging Spectrum of Pituitary Apoplexy: Findings, Pathologic Correlation, and Implications for Imaging. ASNR 30th Annual Meeting, May 31-June 5, 1992.
139. Orrison WW Jr, Sanders JA, Hart BL, Gallen CC, Sobel DF, Davis LM. Reproducibility of Functional Brain Mapping by Magnetic Source Imaging. ASNR 30th Annual Meeting, May 31-June 5, 1992.
140. Orrison WW Jr, Stimac GK, Stevens EA, LaMasters DL, Espinosa MC. Comparison of CT, Ultra-Low Field and High Field MRI. ASNR 30th Annual Meeting, May 31-June 5, 1992.
141. Sanders JA, Orrison WW Jr. Design and Implementation of a Clinical MSI Workstation. Presented at the Fifth Annual IEEE Symposium on Computer-based Medical Systems, Duke University, Durham, North Carolina, June 14-17, 1992.
142. Hart BL, Willis BK, Dorin RI, Crooks L, Orrison WW Jr. The Imaging Spectrum of Pituitary Apoplexy: Findings, Pathologic Correlation, and Implications for Imaging. ASNR 30th Annual Meeting, May 31-June 5, 1992.
143. Orrison WW Jr. MR of Hemorrhage: Appearances at Various Field Strengths. Presented at the Fourth Annual Advances in Mid and Low Field MRI Symposium, The Westin St. Francis, San Francisco, California, September 10-13, 1992.
144. Orrison WW Jr. MR of the Sellar and Parasellar Region. Presented at the Fourth Annual Advances in Mid and Low Field MRI Symposium, The Westin St. Francis, San Francisco, California, September 10-13, 1992.
145. Orrison WW Jr. Comparison of High and Low-Field MR in White Matter Disease. Presented at the Fourth Annual Advances in Mid and Low Field MRI Symposium, The Westin St. Francis, San Francisco, California, September 10-13, 1992.
146. Orrison WW Jr. Functional and Dynamic MRI. Presented at the Fourth Annual Advances in Mid and Low Field MRI Symposium, The Westin St. Francis, San Francisco, California, September 10-13, 1992.
147. Orrison WW Jr. Clinical Applications of Magnetic Source Imaging. Presented at the Western Neuroradiological Society Annual Meeting, San Francisco, California, October 1-4, 1992.

148. Orrison WW Jr. Stereotactic Preoperative Brain Mapping by MSI. Presented at Congress of Neurological Surgeons, Washington, D.C., October 31-November 5, 1992.
149. Orrison WW Jr. Clinical Applications of Magnetic Source Imaging. Presented at RSNA '92, Chicago, Illinois, November 29-December 4, 1992.
150. Orrison WW Jr. Functional and Dynamic MRI. Presented at the Eighth Annual Snowmass 1993: MR and CT of the Head and Spine, Snowmass, Colorado, February 6-13, 1993.
151. Orrison WW Jr. Intracranial Hemorrhage. Presented at the 16th Annual Meeting of the American Society of Neuroimaging, Hilton at Walt Disney World Village, Orlando, Florida, February 2-6, 1993.
152. Orrison WW Jr. Biomagnetic Imaging. Presented at Recent Advances in CNS Imaging, April 3, 1993.
153. Orrison WW Jr. Neuropsychiatry and Neuroimaging for the Forensic Psychiatrist. Presented at the 11th Annual Symposium in Forensic Psychiatry. Eldorado Hotel, Santa Fe, New Mexico, April 22-25, 1993.
154. Orrison WW Jr. Clinical Applications of Magnetic Source Imaging. Presented at AANS, Boston, Massachusetts, April 25-30, 1993.
155. Orrison WW Jr. Functional Imaging/Non-MR/MEG. Presented at the ASNR 31st Annual Meeting, Vancouver, Canada, May 16-19, 1993.
156. Orrison WW Jr. Clinical MSI. Presented at Sick Children's Hospital, Toronto, Canada, June 1993.
157. Orrison WW Jr. Advances in Non-Invasive Imaging: Magnetic Resonance Imaging (MRI) and Angiography. Presented at Update '93: Neurology in the Primary Care Setting. The Sheraton Old Town, Albuquerque, New Mexico, June 24-26, 1993.
158. Orrison WW Jr. MR and CT of Spinal Trauma. Presented at ER Radiology, CT and MR: Head and Spinal Cord. University of New Mexico, Albuquerque, New Mexico, July 16, 1993.
159. Orrison WW Jr. Blinded Comparison of Cranial CT and MR in Closed Head Injury Evaluation. Presented at ER Radiology, CT and MR: Head and Spinal Cord. First Year – Introductory Block, University of New Mexico, Albuquerque, New Mexico, July 15, 1993.
160. Orrison WW Jr. Sella/Parasellar Masses. Presented at Comprehensive MR Review, Tamarron Resort, Durango, Colorado, July 26-30, 1993.

161. Orrison WW Jr. Stroke/Infarct, Hemorrhage. Presented at Comprehensive MR Review. Tamarron Resort, Durango, Colorado, July 26-30, 1993.
162. Orrison WW Jr. Magnetoencephalography – MSI. Presented at Comprehensive MR Review. Tamarron Resort, Durango, Colorado, July 26-30, 1993.
163. Orrison WW Jr. Low-Field MR Imaging. Presented at Comprehensive MR Review. Tamarron Resort, Durango, Colorado, July 26-30, 1993.
164. Orrison WW Jr. MR of Hemorrhage: Appearance at Different Field Strengths. Presented at Advances in Mid and Low Field Magnetic Resonance Imaging. Buena Vista Palace, Disney World/EPCOT Center, Florida, September 9-12, 1993.
165. Orrison WW Jr. MR of the Sella and Para-Sellar Region. Presented at Advances in Mid and Low Field Magnetic Resonance Imaging. Buena Vista Palace, Disney World/EPCOT Center, Florida, September 9-12, 1993.
166. Orrison WW Jr. MR and CT of Spinal Trauma. Presented at Advances in Mid and Low Field Magnetic Resonance Imaging. Buena Vista Palace, Disney World/EPCOT Center, Florida, September 9-12, 1993.
167. Orrison WW Jr, Rose DF, Hart B, Maclin EL, Sanders JA, Willis BK, EP, Wood CC, Davis LE. Noninvasive Preoperative Cortical Localization by Magnetic Source Imaging. Yearbook of Neuroradiology 1993, pp. 9-12.
168. Orrison WW Jr. Recent Advances in Neuro Imaging. Presented at 5th Annual Update for Radiographers. November 5-6, 1993.
169. JD Lewine, JA Sanders, JS George, RS Astur, WW Orrison Jr. Analysis of Motor Function by MEG, MRI, and TMS. 23rd Annual Meeting, Washington, D.C., November 7-12, 1993.
170. Orrison WW Jr. Functional Brain Imaging – Technology of the Future. Presented at 100th Annual AMSUS Meeting. San Antonio, TX, November 14-19, 1993.
171. Davis M, Menello J, Sanders JA, Baldwin N, Orrison WW Jr. Evaluation of a frameless stereotactic device used in combination with magnetic source imaging as a tool for intraoperative localization. Medical Student Research Day, January 13, 1994.
172. Orrison WW Jr. MRI of Spine Trauma. Presented at International MRI Symposium. Grand Hyatt, Bali, January 29-February 4, 1994.
173. Orrison WW Jr. Comparison of High-Field and Low-Field MR Imaging. Presented at International MRI Symposium. Grand Hyatt, Bali, January 29-February 4, 1994.

174. Orrison WW Jr. Staging Hemorrhage with MRI. Presented at International MRI Symposium. Grand Hyatt, Bali, January 29-February 4, 1994.
175. Orrison WW Jr. MRI of the Sella and Parasellar Regions. Presented at International MRI Symposium. Grand Hyatt, Bali, January 29-February 4, 1994.
176. Orrison WW Jr. Magnetoencephalography: Magnetic Source Imaging. Presented at International MRI Symposium. Grand Hyatt, Bali, January 29-February 4, 1994.
177. Orrison WW Jr. Functional Brain MRI. Presented at International MRI Symposium. Grand Hyatt, Bali, January 29-February 4, 1994.
178. Orrison WW Jr. Functional and Dynamic MRI. Presented at 9th Annual Snowmass: MR & CT of the Head and Spine. Snowmass, Colorado, February 12-19, 1994.
179. Orrison WW Jr. MR and CT of Spinal Trauma. Presented at 9th Annual Snowmass: MR and CT of the Head and Spine. Snowmass, Colorado, February 12-19, 1994.
180. Orrison WW Jr. White Matter Disease in the Head and Spine. Presented at 9th Annual Snowmass: MR and CT of the Head and Spine. Snowmass, Colorado, February 12-19, 1994.
181. Jack CR, Rosen BR, Orrison WW Jr, Evans A, Moseley ME. Panel Discussion: Functional Neuroimaging. Presented at First Meeting of the Society of Magnetic Resonance. Houston, Texas, March 7-9, 1994.
182. Orrison WW Jr. Clinical MSI. Presented at 39th Annual Meeting & Symposium on the Role of Nuclear Medicine in Radiation Accidents. Albuquerque, NM, April 8, 1994.
183. Anson JA, Rupp FW, Orrison WW Jr, Geil GE. The Use of Three-Dimensional Holographic Renditions of CT and MR Data in Skull Base Surgery. Presented at American Association of Neurological Surgeons. San Diego, CA, April 9-14, 1994.
184. Smith JR, Gallen CC, Schwartz BJ, King DW, Murro AM, Park YD, Orrison WW Jr, Lewine JD. Magnetic Source Imaging in the Spatial Definition of Epileptic Foci. Presented at American Association of Neurological Surgeons. San Diego, CA, April 9-14, 1994.
185. Orrison WW Jr. MEG Update. Presented at VA Medical Center Annual Medical Staff Meeting, April 19, 1994.
186. Orrison WW Jr, Lewine JD, Sanders JA, Boutin RD. Clinical Applications of Magnetic Source Imaging. Scientific Exhibit. Presented at American Roentgen Ray Society Annual Meeting, New Orleans, April 24-29, 1994.

187. Orrison WW Jr. Magnetoencephalography versus Functional Magnetic Resonance Imaging. Presented at ASNR 32nd Annual Meeting, Nashville, Tennessee, May 3-7, 1994.
188. Gray BG, Chuang HS, Otsubo H, Orrison WW Jr, et al. Imaging of Epilepsy in Pediatric Patients. Poster. Presented at ASNR 32nd Annual Meeting, Nashville, Tennessee, May 3-7, 1994.
189. Rupp FW, Benzel EC, Hart BL, Sanders JA, Orrison WW Jr. Holography of Complex Spinal Fractures. Scientific Exhibit. Presented at ASNR 32nd Annual Meeting, Nashville, Tennessee, May 3-7, 1994.
190. Rupp FW, Nachbar JM, Sanders JA, Orrison WW Jr. 3-D Holographic Modeling of Complex Facial Fractures. Scientific Exhibit. Presented at ASNR 32nd Annual Meeting, Nashville, Tennessee, May 3-7, 1994.
191. Orrison WW Jr, Lewine JD, Rupp FW, Sanders JA, Rael JR. Noninvasive Preoperative Cortical Localization by Magnetic Source Imaging with Holographic Display. Scientific Exhibit. Presented at ASNR 32nd Annual Meeting, Nashville, Tennessee, May 3-7, 1994.
192. Lewine JD, Orrison WW Jr, Baldwin NG, Bucholz RD, Davis JT, Astur RS. Event-Related Magnetic Fields and Neurosurgical Practice. Scientific Exhibit. Presented at ASNR 32nd Annual Meeting. Nashville, Tennessee, May 3-7, 1994.
193. Orrison WW Jr, Lewine JD, Hart BL, Davis LE, Sanders JA, Rupp FW. Magnetic Source Imaging and Cerebral Ischemic Disease. Scientific Exhibit. Presented at ASNR 32nd Annual Meeting, Nashville, Tennessee, May 3-7, 1994.
194. Rupp FW, Nachbar JM, Sanders JA, Orrison WW Jr. 3-D Holographic Modeling of Complex Facial Fractures. Presented at ICHNR. Pittsburgh, May 17-21, 1994.
195. Boutin RD, Sibbitt RR, Rupp RW, Orrison WW Jr, Jahnke RW, King JN. Localization of Cerebrospinal Fluid Leaks by Means of MR Imaging. Scientific Exhibit, RSNA July 1994.
196. Orrison WW Jr. Functional MR Imaging: Clinical Applications and Clinical Significance. Presented at the Medical College of Wisconsin Comprehensive Course in MR Imaging in Santa Fe, New Mexico, July 24-29, 1994.
197. Rupp RW, Benzel EC, Hart BL, Sanders JA, Orrison WW Jr. Holography of Complex Spinal Fractures. Scientific Exhibit, RSNA, July 1994.

198. Rupp FW, Anson JA, Orrison WW Jr, Geil GE, Sanders JA. The Use of 3-D Holographic Renditions of CT and MR Data in Skull Base Surgery. Scientific Exhibit, RSNA July 1994.
199. Orrison WW Jr, Lewine JD, Sanders JA, George JS, Astur RS. Analysis of motor function by MEG, EEG, FMRI and TMS. Western Neuro '94, Tucson, Arizona, October 6-9, 1994.
200. Orrison WW Jr, Hart BL, Lewine JD, Spar J, Sanders JA. Posttraumatic syndromes evaluated by magnetic source imaging. Western Neuro '94. Tucson, Arizona, October 6-9, 1994.
201. Orrison WW Jr. Low-Field and High-Field MR Comparison. Presented at Magnetic Source Imaging Update in New York, November 12-13, 1994.
202. Davis JT, Lewine JD, Wood CC, Edgar C, Thoma R, Orrison WW Jr. Evaluation of Motor Function: A Comparison of Event-Related Fields and Event-Related Desynchronizations. Presented at the 1995 Neuroscience Day, The New Mexico Regional Federal Medical Center, Albuquerque, February 3, 1995.
203. Lewine JD, Baldwin NG, Buchoiz RD, Sanders JA, Halliday AL, Anson J, Shih J, Stearley J, Davis JT, Astur R, Paulson K, Benzel EC, Orrison WW Jr. Presurgical Localization of Sensorimotor Cortex with Magnetic Source Imaging Interoperative Validation. Presented at the 1995 Neuroscience Day, The New Mexico Regional Federal Medical Center, Albuquerque, New Mexico, February 3, 1995.
204. Lewine JD, Davis LE, Bruno A, Haaland K, Hart B, Orrison WW Jr. Neuromagnetic Evaluation of Cerebrovascular Disorders. Presented at the 1995 Neuroscience Day, The New Mexico Regional Federal Medical Center, Albuquerque, February 3, 1995.
205. Lewine JD, Orrison WW Jr. Evaluation of Abnormal Low Frequency Magnetic Activity (ALFMA) in Epilepsy. Presented at the 1995 Neuroscience Day, The New Mexico Regional Federal Medical Center, Albuquerque, New Mexico, February 3, 1995.
206. Lewine JD, Orrison WW Jr, Shaw P, Wiest P, Joffe G, Argubright K, Morrison L, Williamson M, Provencal S, Davis JT, Paulson K. Biomagnetic Assessment of the Integrity of the Fetal Central Nervous System. Presented at 1995 Neuroscience Day, The New Mexico Regional Federal Medical Center, Albuquerque, New Mexico, February 3, 1995.
207. Lewine JD, Orrison WW Jr, Sloan JH, Spar JA, Davis JT, Sanders JA. Magnetoencephalographic Evaluation of Pathophysiological Brain Function Induced by Minor Head Trauma. Presented at the 1995 Neuroscience Day, The New Mexico Regional Federal Medical Center, Albuquerque, New Mexico, February 3, 1995.

208. Lewine JD, Sanders JA, Davis JT, George JS, Astur R, Weisend M, Baldwin NG, Orrison WW Jr. Electromagnetic Evaluation of Motor Function by MEG, EEG, FMRI, and TMS. Presented at the 1995 Neuroscience Day, The New Mexico Regional Federal Medical Center, Albuquerque, New Mexico, February 3, 1995.
209. Sanders JA, Lewine JD, Baldwin NG, Orrison WW Jr. Co-registration of Anatomic and Image Locations Using an Intraoperative Optical Digitizing System. Presented at the 1995 Neuroscience Day, The New Mexico Regional Federal Medical Center, Albuquerque, New Mexico, February 3, 1995.
210. Sanders JA, Lewine JD, George J, Caprihan A, Orrison WW Jr. Correlation of FMRI with MEG. Presented at the 1995 Neuroscience Day, The New Mexico Regional Federal Medical Center, Albuquerque, New Mexico, February 3, 1995.
211. Orrison WW Jr. MR of White Matter Disease: Appearance at Different Field Strengths. Presented at the 10th Annual Snowmass, MR & CT of the Head and Spine, Snowmass, Colorado, February 15, 1995.
212. Orrison WW Jr. The Evaluation of Head Trauma by MR & CT. Presented at the 10th Annual Snowmass, MR & CT of the Head and Spine, Snowmass, Colorado, February 17, 1995.
213. Orrison WW Jr. Low-Field/High-Field Comparison. Presented at the Toshiba Low-Field MRI Course, Washington, D.C., April 28, 1995.
214. Orrison WW Jr. MR of the Cervical and Thoracic Spine. Presented at the Toshiba Low-Field MRI Course, Washington, D.C., April 28, 1995.
215. Orrison WW Jr. MR of Hemorrhage. Presented at the Toshiba Low-Field MRI Course, Washington, D.C., April 28, 1995.
216. Orrison WW Jr. Magnetic Source Imaging. Presented as part of The Power and Potential of Brain Imaging Visualizing its Present and Future, sponsored by The National Foundation for Brain Research and The University of Minnesota, Washington, D.C., May 18, 1995.
217. Orrison WW Jr. Neuroimaging Update. Congressional Presentation to Congressman Schiff, New Mexico Regional Federal Medical Center, Albuquerque, NM, August 22, 1996.
218. Canive J, Lewine J, Roberts B, Edgar C, Davis J, Orrison WW Jr. Magnetoencephalographic Evaluation of Schizophrenia. Poster at Xth World Congress of Psychiatry, Madrid, Spain, August 23-28, 1996.

219. Orrison WW Jr. Clinical Applications of Magnetic Source Imaging. 8th Annual Advances in Mid and Low Field Magnetic Resonance Imaging, Buena Vista Palace, EPCOT Center, Florida, September 5, 1996.
220. Orrison WW Jr. MR of Hemorrhage: Appearances at Different Field Strengths. 8th Annual Advances in Mid and Low Field Magnetic Resonance Imaging, Buena Vista Palace, EPCOT Center, Florida, September 5, 1996.
221. Orrison WW Jr. MR of White Matter Disease: Appearance at Different Field Strengths. 8th Annual Advances in Mid and Low Field Magnetic Resonance Imaging, Buena Vista Palace, EPCOT Center, Florida, September 5, 1996.
222. Orrison WW Jr. MR of Spinal Trauma. 8th Annual Advances in Mid and Low Field Magnetic Resonance Imaging, Buena Vista Palace, EPCOT Center, Florida, September 5, 1996.
223. Gledhill KM, Lewine JD, Canive J, Orrison WW Jr, Edgar JC, Provencal SL, Graeber D, Roberts B. MRI Reveals Gross Structural Abnormalities in Post Traumatic Stress Disorder. 18th Annual Meeting, The Western Neuroradiological Society, Coronado, California, October 4-6, 1996.
224. Orrison WW Jr. Functional Brain Imaging. Legislative Spouses, invited by Development Office. The University of Utah, Salt Lake City, Utah, February 1997.
225. Orrison WW Jr. Directions in Functional Brain Imaging. Utah Radiology Society. Salt Lake City, Utah, February 1997.
226. Orrison WW Jr. Magnetic Source Imaging. First Security Bank Representatives. Salt Lake City, Utah, March 1997.
227. Orrison WW Jr. Magnetoencephalography: Basic Principles. National Autism Society, March 1997.
228. Orrison WW Jr. The Brain. Fairfield Junior High School Career Day, Fairfield, Utah, March 1997.
229. Orrison WW Jr. Directions in Functional Brain Imaging. President's Seminar, Salt Lake City, Utah, April 25, 1997.
230. Boutin RD, Hart BL, Benzel EC, Orrison WW Jr. Imaging of the Cervical Spine in the Setting of Acute Trauma: A Survey of Neuroradiologists and Neurosurgeons. American Roentgen Ray Society, San Francisco, California, April 26-May 1, 1997.
231. Orrison WW Jr. Basic Principles of Magnetoencephalography. Reunion Weekend. Department of Radiology, The University of Utah, Salt Lake City, Utah, May 3, 1997.

232. Orrison WW Jr. Functional Brain Imaging. National Advisory Council, Salt Lake City, Utah, May 9, 1997.
233. Orrison WW Jr. New Directions. Invited speaker for University of Utah School of Medicine, Salt Lake City, Utah, May 1-3, 1997.
234. Gledhill KM, Lewine JD, Canive J, Orrison WW Jr. MRI Reveals Gross Structural Abnormalities in PostTraumatic Stress Disorder. ASNR, Toronto, Ontario, May 15-22, 1997.
235. Orrison WW Jr. Functional Brain Imaging. Intermountain Health Care, Sale Lake City, Utah, July 1, 1997.
236. Orrison WW Jr. Magnetic Source Imaging: An Overview and Basic Principles. The 1997 Wild West Imaging Roundup-Neuroradiology and Advanced MR, Santa Fe, New Mexico, July 6-11, 1997.
237. Orrison WW Jr. Magnetoencephalography: Clinical Applications and Future Directions. The 1997 Wild West Imaging Roundup-Neuroradiology & Advanced MR, Santa Fe, New Mexico, July 6-11, 1997.
238. Orrison WW Jr. Functional Brain Imaging. StorageTek. Boulder, Colorado, July 14-15, 1997.
239. Orrison WW Jr. Functional Brain Imaging. Nancy Lurie/Marks Family Foundation, Beth Israel Hospital, Boston, Massachusetts, August 6-7, 1997.
240. Orrison WW Jr. Functional Brain Imaging. Salt Lake Rotary Club, Salt Lake City, Utah, September 16, 1997.
241. Orrison WW Jr. Functional Brain Imaging. Educational Development Resource Council, Salt Lake City, Utah, September 22, 1997.
242. Orrison WW Jr. Functional Brain Imaging. Department of Pharmacology and Toxicology, Salt Lake City, Utah, September 29, 1997.
243. Orrison WW Jr. Functional Brain Imaging. FORUM '97, San Francisco, California, October 14, 1997.
244. Orrison WW Jr. MR of Hemorrhage: Appearances at Different Field Strengths. 97th Annual Advances in Mid and Low Field MRI, Buena Vista Palace, Orlando, Florida, October 17, 1997.

245. Orrison WW Jr. MR of White Matter Disease: Appearances at Different Field Strengths. 97th Annual Advances in Mid and Low Field MRI, Buena Vista Palace, Orlando, Florida, October 17, 1997.
246. Orrison WW Jr. MR of Spinal Trauma. 97th Annual Advances in Mid and Low Field MRI, Buena Vista Palace, Orlando, Florida, October 17, 1997.
247. Orrison WW Jr. Functional Brain Imaging. Neuro Critical Care Nurses, The University of Utah Medical Center, Salt Lake City, Utah, October 22, 1997.
248. Orrison WW Jr. Functional Brain Imaging. Internal Medicine Grand Rounds, The University of Utah Medical Center, Salt Lake City, Utah, October 22, 1997.
249. Orrison WW Jr. Radiographic Evaluation of Cervical Spine Trauma. Richard Lende Winter Neurosurgery Conference, Snowbird, Utah, February 5, 1998.
250. Orrison WW Jr. Functional Brain Imaging. University of Utah Alumni Association, Coronado Chapter. Coronado, California, February 12, 1998.
251. Orrison WW Jr. Functional Brain Imaging. University of Utah Community Relations Committee. Center for Advanced Medical Technologies, Salt Lake City, Utah, March 11, 1998.
252. Orrison WW Jr. Functional Brain Imaging. StorageTek, Louisville, Colorado, March 19, 1998.
253. Orrison WW Jr. Functional Brain Imaging. University of Utah – George Eccles Foundation. Salt Lake City, Utah March 25, 1998.
254. Orrison WW Jr. Functional Brain Imaging. Educational Resources Development Council, University of Utah. Salt Lake City, Utah. April 27, 1998.
255. Orrison WW Jr. Functional Brain Imaging. Marriner Eccles Foundation & University Hospital Foundation. University of Utah. May 7, 1998.
256. Orrison WW Jr. Functional Brain Imaging. Town Club Women's Organization. Salt Lake City, Utah. June 10, 1998.
257. Orrison WW Jr. Functional Brain Imaging. Mental Health Employees of the Veterans Administration Medical Center. Salt Lake City, Utah. July 29, 1998.
258. Orrison WW Jr. Saving Lives – Medical Imaging at Work. StorageTek Forum 98'. Orlando, Florida. October 2, 1998.
259. Orrison WW Jr. C Spine Trauma. University of Utah Department of Surgery. Salt Lake City, Utah. October 29, 1998.

- 260. Orrison WW Jr. Functional Brain Imaging. University of Utah – Health Sciences Development. Salt Lake City, Utah. November 18, 1998.
- 261. Orrison WW Jr. MR Trauma. Uintah Basin Hospital. Vernal, Utah. March 11, 1999.
- 262. Orrison WW Jr. Saving Lives – Medical Imaging at Work. EuroStorage 99'. Berlin, Germany. April 20, 1999.
- 263. Orrison WW Jr. Functional Brain Imaging Part I. Utah State Radiologic Technologists. Park City, Utah. May 14, 1999.
- 264. Orrison WW Jr. Functional Brain Imaging. Intermountain Organ Recovery Services. Salt Lake City, Utah. June 23, 1999.
- 265. Orrison WW Jr. Functional Brain Imaging. Intermountain Health Care. Salt Lake City, Utah. June 24, 1999.
- 266. Orrison WW Jr. Advances in Diagnostic and Functional Imaging for Neurosurgery, Snowbird, Utah. July 8, 1999.
- 267. Orrison WW Jr. Functional Brain Imaging. University of Utah-Red Butte Madsen Preventive Cardiology. Salt Lake City, Utah. August 9, 1999.
- 268. Orrison WW Jr. Functional Brain Imaging. Delta Kappa Gamma Women's Sorority. Salt Lake City, Utah. September 15, 1999.
- 269. Orrison WW Jr. Functional Brain Imaging. Utah Federation for Youth. Salt Lake City, Utah. December 9, 1999.
- 270. Orrison WW Jr. MEG Update. University of Utah – Departments of Neurology and Neurosurgery. Primary Children's Medical Center. Salt Lake City, Utah. March 1, 2000.
- 271. Orrison WW Jr. Functional Brain Imaging. Epsilon Sigma Alpha. Wasatch Presbyterian Church, Salt Lake City, Utah. March 18, 2000.
- 272. Orrison WW Jr. Functional Brain Imaging. Marconi – Global Managers Meeting. Cleveland, Ohio. May 3, 2000.
- 273. Orrison WW Jr. Functional Brain Imaging Part II. Utah State Radiologic Technologists. Park City, Utah. May 12, 2000.
- 274. Orrison WW Jr. Functional Brain Imaging. Marconi Corporate Retreat. Salt Lake City, Utah. May 18, 2000.

- 275. Orrison WW Jr. Saving Lives: Medical Imaging at Work – ebusiness Conference and Expo. San Jose, California. June 14, 2000.
- 276. Orrison WW Jr. The Latest in Imaging Technology. American Gynecological Club. Deer Valley, Park City, Utah. September 22, 2000.
- 277. Orrison WW Jr. Functional Brain Imaging. Park City Rotary Club. Park City, Utah. September 26, 2000.
- 278. Orrison WW Jr. Functional Brain Imaging – State of Utah Governor Michael Leavitt, Salt Lake City, Utah. September 28, 2000.
- 279. Orrison WW Jr. Functional Brain Imaging. Advances in Mid & Low Field Magnetic Resonance Imaging. Orlando, Florida. October 15, 2000.
- 280. Orrison WW Jr. MR of Spinal Trauma. Advances in Mid & Low Field Magnetic Resonance Imaging. Orlando, Florida. October 15, 2000.
- 281. Orrison WW Jr. MR of Hemorrhage. Advances in Mid & Low Field Magnetic Resonance Imaging. Orlando, Florida. October 15, 2000.
- 282. Orrison WW Jr. Functional Brain Imaging. National Health Occupational Teachers Salt Lake City, Utah. November 10, 2000.
- 283. Orrison WW Jr. Functional Brain Imaging. University of Utah – Education Committee- Education Department. Salt Lake City, Utah. December 11, 2000.
- 284. Orrison WW Jr. Functional Brain Imaging. Sun Risers Club. Park City, Utah. December 28, 2000.
- 285. Orrison WW Jr. Radiation Safety. Providence Hospital, Grand Rounds, Portland, Oregon. August 1, 2001.
- 286. Orrison WW Jr. Radiation Safety. Baptist Hospital, Grand Rounds, Jacksonville, Florida. August 21, 2001.
- 287. Orrison WW Jr. Radiation Safety. HealthHelp Annual Corporate Meeting, Houston, Texas. November 14, 2001.
- 288. Orrison WW Jr. Radiation Safety. Partner's Healthcare System, Greensboro, NC. December 5, 2001.
- 289. Orrison WW Jr. Patient Safety in Medical Imaging. Beechstreet Healthcare System, Orange County, CA. January 10, 2002.

290. Orrison WW Jr. Patient Safety in Medical Imaging. Utah Chiropractic Association, Salt Lake City, Utah. March 9, 2002.
291. Orrison WW Jr. Patient Safety in Medical Imaging. Anthem Healthcare, North Haven, CT. March 12, 2002.
292. Orrison WW Jr. Patient Safety in Medical Imaging. Anthem CME Program, Cromwell, CT. March 12, 2002.
293. Orrison WW Jr. Patient Safety in Medical Imaging. Anthem CME Program, Middletown, Connecticut. March 12, 2002.
294. Orrison WW Jr. Patient Safety in Medical Imaging. Anthem CME Program, Glastonbury, Connecticut. March 12, 2002.
295. Orrison WW Jr. Patient Safety in Medical Imaging. Anthem Healthcare, North Haven, Connecticut. March 12, 2002. .
296. Orrison WW Jr. Patient Safety in Medical Imaging. Anthem Healthcare, Manchester, New Hampshire. March 13, 2002.
297. Orrison WW Jr. Patient Safety in Medical Imaging. CIGNA Healthcare, Dallas, Texas. March 29, 2002.
298. Orrison WW Jr. Patient Safety in Medical Imaging. Aetna Healthcare, Jacksonville, Florida. April 3, 2002.
299. Orrison WW Jr. Patient Safety in Medical Imaging. Blue Cross and Blue Shield of Arizona, Phoenix, Arizona. April 10, 2002.
300. Orrison WW Jr. Imaging of Low Back Pain. Anthem CME Program, Farmington, Connecticut. May 14, 2002.
301. Orrison WW Jr. Patient Safety in Medical Imaging. Anthem Healthcare, Meredith, New Hampshire. May 22, 2002
302. Orrison WW Jr. Emergency CT and MR of the Cervical Spine. Dartmouth Medical College, Department of Radiology, Lebanon, New Hampshire. May 23, 2002.
303. Orrison WW Jr. Patient Safety in Medical Imaging. Dartmouth Medical College, Ground Rounds, Lebanon, New Hampshire. May 23, 2002.
304. Orrison WW Jr. Patient Safety in Medical Imaging. CIGNA Healthcare, Houston, Texas. May 29, 2002.

305. Orrison WW Jr. Patient Safety in Medical Imaging. Berlex Laboratories, Newark, New Jersey, June 4, 2002.
306. Orrison WW Jr. Patient Safety in Medical Imaging. Granger Clinic Grand Rounds, Salt Lake City, Utah. June 20, 2002.
307. Orrison WW Jr. Patient Safety in Medical Imaging. Blue Cross and Blue Shield of Kansas City, Kansas City, MO. July 10, 2002.
308. Orrison WW Jr. Patient Safety in Medical Imaging. Yale Physician's Health Organization, Hartford, Connecticut. July 31, 2002.
309. Orrison WW Jr. Radiation Safety Update. Dartmouth Medical College, Department of Radiology, Lebanon, New Hampshire. August 8, 2002.
310. Orrison WW Jr. Patient Safety in Medical Imaging. Alpine Internal Medicine, Salt Lake City, Utah. August 12, 2002.
311. Orrison WW Jr. Patient Safety in Medical Imaging. Blue Cross and Blue Shield Physician Education Program, Spanish Fork Utah, August 23, 2002.
312. Orrison WW Jr. Patient Safety in Medical Imaging. GE Medical Systems, Waukesha Wisconsin. September 5, 2002.
313. Orrison WW Jr. Patient Safety in Medical Imaging. St. Vincent's Hospital. Bridgeport, Connecticut. Sept. 17, 2002
314. Orrison WW Jr. Patient Safety in Medical Imaging. Lakeview Hospital, Bountiful, Utah. Sept. 19, 2002.
315. Orrison WW Jr, Levin DC. Variations in the Quality of Outpatient Imaging Facilities: Assessment and Standard of Care Recommendations. Presented to the 88th Scientific Assembly and Annual Meeting of the Radiology Society of North America, Dec. 4, 2002.
316. Orrison WW Jr. Patient Safety in Medical Imaging. Chiropractic Society of Jacksonville, Florida. January 8, 2003.
317. Orrison WW Jr. Patient Safety in Medical Imaging. North Florida Surgeons, Jacksonville, Florida. January 9, 2003.
318. Orrison WW Jr. Patient Safety in Medical Imaging. Annual Conference, American Society of Radiologic Technologists/Association of Educators in Radiological Sciences, Las Vegas, Nevada. June 14, 2003.

319. Orrison WW Jr. Functional Brain Imaging. Annual Conference, American Society of Radiologic Technologists/Association of Educators in Radiological Sciences, Las Vegas, Nevada. June 15, 2003.
320. Lipoti J, Orrison WW Jr. Benefits of Quality Assurance for Diagnostic X-ray Presented by W W Orrison Jr. to the 89th Scientific Assembly and Annual Meeting of the Radiology Society of America, Chicago, Illinois, December 3, 2003.
321. Orrison WW Jr. Advanced Neuroradiological Imaging. Spinal Cord Tumor Association 2nd International Spinal Cord Tumor Conference, Las Vegas, Nevada, July 15-17, 2004.
322. Orrison WW Jr. 3T Imaging of the Brain: Current Status. Advances in High Field MRI for Technologists, Las Vegas, Nevada. September 8-10, 2004.
323. Orrison WW Jr. 3T Imaging of the Spine: Current Status. Advances in High Field MRI for Technologists, Las Vegas, Nevada. September 8 -10, 2004.
324. Orrison WW Jr. Closed Head Injury Imaging. Texas Association of Defense Council Fall Meeting, Dallas, Texas. November 4-5, 2004.
325. Orrison WW Jr. 3T Imaging of the Brain: Current Status. Advanced MR Imaging Techniques. San Francisco, California. February 11-13, 2005.
326. Orrison WW Jr. 3T Imaging of the Spine: Current Status. Advanced MR Imaging Techniques. San Francisco, California. February 11-13, 2005.
327. Orrison WW Jr. Clinical Applications of Neuro Imaging on an Open System – Open MRI 2005. Las Vegas, Nevada, April 12-15, 2005.
328. Orrison WW Jr. Quality Variations in Medical Imaging. Centers for Medicare and Medicaid Services, Baltimore, Maryland. April 7, 2005.
329. Orrison WW Jr. 3T Imaging of the Brain: Current Status. High Field MRI. Las Vegas, Nevada. June 22-24, 2005.
330. Orrison WW Jr. 3T Imaging of the Spine: Current Status. High Field MRI. Las Vegas, Nevada. June 22-24, 2005.
331. Orrison WW Jr. High Field MRI of the Spine: Stanford Radiology 4th Annual Global Symposium on Clinical High Field MRI. Las Vegas, Nevada. October 24-25, 2005.
332. Orrison WW Jr. Advanced Brain Imaging: MR Clinical Symposia for Technologists. Las Vegas, NV. October 5-7, 2005

333. Orrison WW Jr. Spinal MR at Multiple Field Strengths: MR Clinical Symposia for Technologists. Las Vegas, Nevada. October 5-7, 2005
334. Chang D, Fritz J, Perkins T, Chia J, Hanson E, Rowley R, Orrison WW Jr. White Matter Tract Assessment using 3T Diffusion Tensor Imaging as a Function of Acquisition Time and Fiber Tract Anatomy. Radiology Society of North America, Chicago, Illinois, 11/27-12/2, 2005.
335. Orrison WW Jr. Introduction to Neuroimaging: Touro University Nevada, College of Osteopathic Medicine, Las Vegas, Nevada. March 6, 2006
336. Orrison WW Jr. Educating Physicians on Quality and Safety and Eliminating Unnecessary Imaging: Maximizing Managed Radiology for Health Plans, Las Vegas, Nevada. May 22-24, 2006.
337. Orrison WW Jr. Advances in 3T Imaging of the Brain: High Field MRI for Technologists. Las Vegas, NV May 24-26, 2006.
338. Orrison WW Jr. 3T Imaging of the Spine: Current Status: High Field MRI for Technologists. Las Vegas, Nevada. May 24-26, 2006.
339. Orrison WW Jr. DTI Tractography: Fundamentals and Case Studies: Advances in 3 Tesla Neuroimaging, Las Vegas, Nevada. June 26-28, 2006.
340. Orrison WW Jr. Patient Safety in Medical Imaging. Cirque du Soleil Health Services Summit, Las Vegas, Nevada. September 13, 2006.
341. Orrison WW Jr. MR Imaging of Contortionists. Cirque du Soleil Health Services Summit, Las Vegas, Nevada. September 13, 2006.
342. Orrison WW Jr. Patient Safety in Medical Imaging. International Contortionist Convention, Las Vegas, Nevada. September 26-28, 2006.
343. Orrison WW Jr. MR Imaging of Contortionists. International Contortionist Convention, Las Vegas, Nevada. September 26-28, 2006.
344. Orrison WW Jr. Patient Safety in Medical Imaging, 2006 High-Risk Neonatal/Perinatal Update Program, Portland, Oregon. October 12-13, 2006.
345. Orrison WW Jr. Patient Safety in Medical Imaging, Hays Medical Center. Hays, Kansas. October 18, 2006.
346. Byun D, Hanson EH, Rowley RK, Ramos E, Orrison WW Jr. Pantothenate Kinase Associated Neurodegeneration, Touro University Nevada Research Day, Las Vegas, Nevada. March 5, 2007.

347. Fleischman M, Orrison WW Jr, Hanson EH, Rowley RK. Right Superior Quadrantanopsia., Touro University Nevada Research Day, Las Vegas, Nevada. March 5, 2007.
348. Lee F, Orrison WW Jr, Hanson EH, Rowley RK. Mesial Temporal Sclerosis, Touro University Nevada Research Day, Las Vegas, Nevada. March 5, 2007.
349. Mishra R, Rowley RK, Hanson EH, Orrison WW Jr. Agenesis of the Corpus Callosum, Touro University Nevada Research Day, Las Vegas, Nevada. March 5, 2007.
350. Mojica W, Rowley RK, Hanson EH, Orrison WW Jr. Case Study of a Brain Stem Mass. Touro University Nevada Research Day, Las Vegas, Nevada. March 5, 2007.
351. Snyder T, Perkins TG, Mueller T, Hanson EH, Orrison WW Jr, Peoples RR, and Powell J. Case Study: Limbus Vertebra in a Contortionist. Touro University Nevada Research Day. Las Vegas, Nevada. March 5, 2007.
352. Eggleston M, Rowley RK, Hanson EH, Orrison WW Jr. Case Study of Metastatic Brain Disease: Uveal Melanoma, Touro University Nevada Research Day, Las Vegas, Nevada. March 5, 2007.
353. Kapili R, Orrison WW Jr, Hanson EH, Rowley RK. Normal Pressure Hydrocephalus: A Case Presentation. Touro University Nevada Research Day, Las Vegas, Nevada. March 5, 2007.
354. Ramachandran P, Hanson EH, Byun D, Perkins TG, Rowley RK, Ramos E, Orrison WW JR. Hemochromatosis: How Genetics and Imaging are Changing Medicine, Touro University Nevada Research Day. Las Vegas, Nevada. March 5, 2007.
355. Yukio UG, Orrison WW Jr, Hanson EH, Rowley RK. Piriformis Syndrome: A Case Presentation, Touro University Nevada Research Day. Las Vegas, Nevada. March 5, 2007.
355. Beecher J, Rowley RK, Hanson EH, Orrison WW Jr. Incidental Radiation Exposure to Patients during Computed Tomography. Touro University Nevada Research Day, Las Vegas, Nevada. March 5, 2007.
356. Orrison WW Jr. Introduction to Medical Imaging: Touro University Nevada, College of Osteopathic Medicine. Las Vegas, Nevada. March 7, 2007.
357. Orrison WW Jr. Controlling CT Dose in Pediatrics. Multi-Detector CT Imaging, Nashville, Tennessee, April 20-21, 2007.
358. Orrison WW Jr. Moderator: Pediatric Imaging, Multi-Detector CT Imaging, Nashville, Tennessee, April 20-21, 2007.

359. Perkins T, Kruiskamp M, Murdoch J, Hitt D, Orrison W W. 1H-MR Spectroscopy Utilizing a 1T Open MR System: Expanding Access to the Obese and Claustrophobic Patient Populations. Joint Annual Meeting of the International Society for Magnetic Resonance in Medicine and the European Society for Magnetic Resonance in Medicine and Biology (ISMRM-ESMRMB). May 19-27, 2007.
360. Orrison WW Jr. DTI Tractography: Fundamentals and Case Studies: High Field MRI 2007. Las Vegas, Nevada. June 25-27, 2007.
361. Orrison WW Jr. High Field Imaging of the Brain: Overview. High Field MRI 2007. Las Vegas, Nevada. June 25-27, 2007.
362. Orrison WW Jr. Advanced Medical Imaging. The Nevada Association of Occupational Health Nurses. Las Vegas, Nevada. October 30, 2007.
363. Peoples R, Mueller T, Perkins T, Powell J, Hanson E, Orrison WW Jr. Full Range of Motion Whole Spine MRI Study of Contortionists: Anatomy and Pathology. Radiology Society of North America. Chicago, Illinois. November 27, 2007.
364. Orrison, WW Jr, Patton P. Controlling CT Dose in Pediatrics. Multi Detector CT Imaging 2008, Baltimore, Maryland, April 26-27, 2008.
365. Orrison WW Jr. Introduction to Neuroimaging: University of Nevada School of Medicine. Las Vegas, Nevada. June 9, 2008.
366. Weaver L, Piantadosi C, Orrison W. CO: The Good, The Bad and the Ugly presented to the Undersea & Hyperbaric Medical Society Annual Scientific Meeting, Salt Lake City, Utah. June 26, 2008.
367. Orrison WW, Patton P, Hanson E. Advanced CT Brain Imaging, Advances in Dynamic Volume CT Imaging; Educational Symposia. Chicago, Illinois, July 14, 2008.
368. Orrison WW, Patton P, Hanson E. CT Dose Considerations, Advances in Dynamic Volume CT Imaging; Educational Symposia. Chicago, Illinois. July 14, 2008.
369. Orrison WW, Patton P, Hanson E. Advanced CT Brain Imaging, Advances in Dynamic Volume CT Imaging; Educational Symposia. Detroit, Michigan. July 15, 2008.
370. Orrison WW, Patton P, Hanson E. CT Dose Considerations, Advances in Dynamic Volume CT Imaging; Educational Symposia. Detroit, Michigan. July 15, 2008.

371. Orrison WW, Patton P, Hanson E. Advanced CT Brain Imaging, Advances in Dynamic Volume CT Imaging; Educational Symposia. Fort Lauderdale, Florida. July 16, 2008.
372. Orrison WW, Patton P, Hanson E. CT Dose Considerations, Advances in Dynamic Volume CT Imaging; Educational Symposia. Fort Lauderdale, Florida. July 16, 2008.
373. Orrison WW, Patton P, Hanson E. Advanced CT Brain Imaging, Advances in Dynamic Volume CT Imaging; Educational Symposia. Boston, Massachusetts. August 12, 2008.
374. Orrison WW, Patton P, Hanson E. CT Dose Considerations, Advances in Dynamic Volume CT Imaging; Educational Symposia, Boston, Massachusetts. August 12, 2008.
375. Orrison WW, Patton P, Hanson E. Advanced CT Brain Imaging, Advances in Dynamic Volume CT Imaging; Educational Symposia. New York City, New York. August 13, 2008.
376. Orrison WW, Patton P, Hanson E. CT Dose Considerations, Advances in Dynamic Volume CT Imaging; Educational Symposia. New York City, New York. August 13, 2008.
377. Orrison WW, Patton P, Hanson E. Advanced CT Brain Imaging, Advances in Dynamic Volume CT Imaging; Educational Symposia. San Francisco, California. September 17, 2008.
378. Orrison WW, Patton P, Hanson E. CT Dose Considerations, Advances in Dynamic Volume CT Imaging; Educational Symposia. San Francisco, California. September 17, 2008.
379. Orrison WW, Patton P, Hanson E. Advanced CT Brain Imaging, Advances in Dynamic Volume CT Imaging; Educational Symposia. Los Angeles, California. September 18, 2008.
380. Orrison WW, Patton P, Hanson E. CT Dose Considerations, Advances in Dynamic Volume CT Imaging; Educational Symposia. Los Angeles, California. September 18, 2008.
381. Orrison WW, Patton P, Hanson E. CT Dose Considerations in Adult Imaging. Computed Tomography 2009: National Symposium, Las Vegas, Nevada. September 19, 2008.
382. Orrison WW, Patton P, Hanson E. Advanced CT Brain Imaging. Computed Tomography 2009: National Symposium, Las Vegas, Nevada. September 19, 2008.

383. Orrison WW, Patton P, Hanson E. Advanced CT Brain Imaging, Advances in Dynamic Volume CT Imaging; Educational Symposia. Atlanta, Georgia. September 23, 2008.
384. Orrison WW, Patton P, Hanson E. CT Dose Considerations, Advances in Dynamic Volume CT Imaging; Educational Symposia. Atlanta, Georgia. September 23, 2008.
385. Orrison WW, Patton P, Hanson E. Advanced CT Brain Imaging, Advances in Dynamic Volume CT Imaging; Educational Symposia. Houston, Texas. October 30, 2008.
386. Orrison WW, Patton P, Hanson E. CT Dose Considerations, Advances in Dynamic Volume CT Imaging; Educational Symposia. Atlanta, Georgia. October 30, 2008.
387. Orrison W, Patton P, Hanson E, Mather R, Wynn B. Whole Brain Perfusion Imaging Using a 320-Detector Row Dynamic Volume CT, Radiology Society of North America Annual Meeting. Chicago, Illinois. November 30, 2008.
388. DeFrance T, Mather R, Hanson E, Orrison W, Patton P: Contrast Timing, Image Quality, and Radiation Exposures in Coronary Angiography Using 320-Detector Row Dynamic Volume CT, Radiology Society of North America Annual Meeting., Chicago, Illinois. December 2, 2008.
389. Patton P, Lowe D, Glyman S, Mueller T, Hanson E, and Orrison W: Comparison of Region of Interest Section Techniques and Fraction Anisotropy Measurements of the Corpus Callosum in Diffusion Tensor Imaging for the Diagnosis of Multiple Sclerosis, Radiology Society of North America Annual Meeting. Chicago, Illinois. December 2, 2008.
390. Orrison WW. Advanced Neuroimaging in Hyperbaric Oxygen Therapy for Traumatic Brain Injury, Consensus Conference: Hyperbaric Oxygen therapy in Traumatic Brain Injury, Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury. Alexandria, Virginia. December 5-6, 2008.
391. Orrison WW Jr. Introduction to Neuroimaging: Touro University Nevada, College of Osteopathic Medicine. Las Vegas, Nevada. March 5, 2009.
392. Orrison W, Hanson E, Mishra R, Byun D, Perkins T. 3.0 Tesla MRI in the Evaluation of Carbon Monoxide Poisoning: Literature Review and MRI Protocol with Systematic Checklist Analysis. Touro University Nevada Research Day. Las Vegas, Nevada. March 16, 2009.
393. Mishra R, Chang D, Bonifield D, Perkins T, Hanson E, Cartwright P, Orrison W. Sagittal Whole Spine MRI in 750 Consecutive Outpatients: Accurate Determination of the Number of Lumbar Vertebral Bodies Touro University Nevada Research Day, Las Vegas, Nevada. March 16, 2009.

394. Orrison, WW. Imaging in Mild Traumatic Brain Injury. University of Nevada School of Medicine, Neurology Grand Rounds, Las Vegas, Nevada. October 5, 2009.
395. Orrison, WW, Patton P, Hanson E. Imaging in Mild Traumatic Brain Injury: University of California San Diego School of Medicine, Radiology Grand Rounds, San Diego, California. October 6, 2009.
396. Orrison, WW, Patton P, Hanson E. Radiation Safety: University of California San Diego, Department of Radiology, San Diego, California. October 6, 2009.
397. Orrison, WW, Patton P, Hanson E. Advanced Neuroimaging with a 320 Detector CT: San Diego Radiology Society. San Diego, California. October 6, 2009.
398. Orrison WW, Patton P, Hanson E. CT Dose Considerations in Adult Imaging: 14th Annual Computed Tomography National Symposium. Las Vegas, Nevada. October 16, 2009.
399. Orrison WW, Patton P, Hanson E. Advanced CT Brain Imaging: 14th Annual Computed Tomography National Symposium. Las Vegas, Nevada. October 18, 2009.
400. Orrison WW, Hanson E, Patton P: Advanced CT Imaging with a 320 Slice CT Scanner: Toshiba Medical Systems Corporation, Shimoishigami, Otawara-shi, Tochigi-ken, Japan, November 3, 2009.
401. Orrison WW, Hanson E, Patton P. Advanced 3T MR Imaging: Toshiba Medical Systems Corporation, Shimoishigami, Otawara-shi, Tochigi-ken, Japan. November 5, 2009.
402. Orrison WW Jr. Introduction to Neuroimaging: Touro University Nevada, College of Osteopathic Medicine, Las Vegas, Nevada March 3, 2010.
403. Orrison, WW Jr. Advanced Imaging in Traumatic Brain Injury. South Central VA Health Care Network: VISN 16th Annual Pathology and Imaging Conference, Little Rock, AK, March 16-18, 2010.
404. Orrison WW, Patton P. CT Dose Considerations, Nevada Osteopathic Medical Association 20th Annual Convention, Las Vegas, NV, April 29, 2010.
405. Peoples RR, Orrison WW Jr, Powell, J: The Contortionist's Spine: Anatomy and Pathology. Presented to the Southern District Meeting of the Nevada Physical Therapy Association, University of Nevada Las Vegas, Las Vegas NV, June 8, 2010.

406. Orrison WW, Patton P. Medical Radiation Safety, University of Nevada School of Medicine, Las Vegas, NV, Feb 7, 2011.
407. Orrison WW Jr and Patton, P: Advanced CT Imaging of the Brain. Marquis Imaging. Phoenix, AZ March 9, 2011.
408. Orrison WW Jr. and Patton, P: Advanced Neuroimaging in Mild Traumatic Brain Injury. Barrow Neurological Institute, Phoenix, AZ March 10, 2011.
409. Orrison WW Jr and Patton, P: Advanced Neuroimaging in Mild Traumatic Brain Injury: Advanced Neuroimaging in Traumatic Brain Injury: Therapeutic Implications. 6th Annual Brain Injury Rehabilitation Conference, San Diego, CA, March 18-19, 2011.
410. Orrison WW Jr. Advanced Neuroimaging: University of Nevada Las Vegas, Radiography Program, Department of Health Physics, Las Vegas, Nevada April 14, 2011.
411. Orrison WW Jr. Radiation Safety: University of Nevada Las Vegas, Radiography Program, Department of Health Physics, Las Vegas, Nevada April 14, 2011.
412. Orrison WW Jr. Advanced Neuroimaging in Traumatic Brain Injury: Therapeutic Implications: Brain Injury Association of California, Napa, CA, Nov. 4, 2011.
413. Orrison WW Jr, Moore MC, Roach C, Hanson E, Orrison JJ. Functional and Quantitative Segmentation of the Corpus Callosum in 126 Traumatic Brain Injury Patients: A Diffusion-Tensor Imaging Study at 3.0T: Radiology Society of North America, Chicago, IL, Nov. 28, 2011.
414. Orrison WW Jr. Introduction to Neuroimaging: Touro University Nevada, College of Osteopathic Medicine, Las Vegas, Nevada March 11, 2012.
415. Orrison WW Jr. Radiation Safety: Touro University Nevada, College of Osteopathic Medicine, Las Vegas, Nevada March 11, 2012.
416. Orrison WW Jr. Appropriate Medical Imaging: Touro University Nevada, College of Osteopathic Medicine, Las Vegas, Nevada May 14, 2012.
417. Orrison WW Jr, Churchill S, Weaver LK, Patton P, and Hanson E. Hyperbaric Oxygen in Chronic Stable Brain Injury: Neuroimaging Outcomes, 45th Undersea & Hyperbaric Medical Society Annual Scientific Meeting, Phoenix, Arizona, June 22, 2012.
418. Orrison WW Jr. Therapeutic Implications of Imaging in Traumatic Brain Injury: Traumatic Brain Injury Analysis, National Intrepid Center of Excellence, Walter Reed National Military Medical Center, Bethesda, Maryland, Sept. 13, 2012.

419. Orrison WW Jr. Introduction to Neuroimaging: Touro University Nevada, College of Osteopathic Medicine, Las Vegas, Nevada March 6, 2013.
420. Orrison WW Jr. Radiation Safety: Touro University Nevada, College of Osteopathic Medicine, Las Vegas, Nevada, March 6, 2013.
421. Orrison WW Jr. Traumatic Brain Injury Review: National Intrepid Center of Excellence, Walter Reed National Military Medical Center, Bethesda, Maryland, Aug. 27, 2013.
422. Orrison WW Jr and Weaver LK. Status of Brain Trauma Research: Undersea & Hyperbaric Medical Society Pacific Chapter Annual Meeting, Las Vegas, Nevada, September 6, 2013.
423. Orrison WW Jr. Radiation Safety: Horizon Surgical Center, Henderson, Nevada, January 13, 2014.
424. Orrison WW Jr. and Byers, L: Neuroimaging and Traumatic Brain Injury: 9th Annual Brain Injury Rehabilitation Conference, San Diego, CA, May 16-17, 2014.

XIV. CONTINUING MEDICAL EDUCATION

COURSE	LOCATION	DATE	CREDIT HOURS
CT, Ultrasound and Nuclear Imaging	Madison, WI	April 1977	16.0
Radiological Society of North America (RSNA)	Chicago, IL	November 1981	1.5
Radiology Review	San Diego, CA	May 1982	32.0
Chest and Abdomen Radiology	Madison, WI	April 1982	21.0
Gastrointestinal Radiology	Williamsburg, VA	March 1983	19.5
Diagnostic Ultrasound	New York, NY	April 1993	16.0
RSNA	Chicago, IL	November 1983	12.0
USAF Medical Training	Wichita Falls, TX	June 1984	39.5
Diagnostic Radiology	Madison, WI	August 1984	40.0
Post-Graduate Radiology	San Diego, CA	October 1984	27.0
Lumbar Spine Radiology	San Diego, CA	October 1984	8.0
ASNR	New Orleans, LA	February 1985	32.0
Diagnostic Imaging	Pascagula, MS	March 1985	2.0
RSNA	Chicago, IL	November 1985	18.5
ASNR	San Diego, CA	January 1986	24.0
Magnetic Resonance Study Program	Milwaukee, WI	January 1986	40.0
Neuroradiology Review	Madison, WI	October 1986	10.0

RSNA	Chicago, IL	December 1986	7.5
ASNR	New York, NY	May 1987	28.5
Neurology Research Day	Albuquerque, NM	June 1987	28.5
American Academy of Neurology	Chicago, IL	April 1987	4.75
Magnetic Resonance: Principles and Practice	Albuquerque, NM	October 1987	36.0
RSNA – Categorical Course in Neuro-Radiology (105)	Chicago, IL	October 1987	1.5
RSNA – Duplex Scanning: Its Role in Evaluating Extracranial Carotid Artery Disease	Chicago, IL	October 1987	1.5
RSNA – Categorical Course in Neuro-Radiology (305)	Chicago, IL	October 1987	1.5
RSNA – Works in Progress – Cardiovascular	Chicago, IL	October 1987	1.5
RSNA – Nuclear Medicine (Infection)	Chicago, IL	October 1987	1.5
RSNA – Works in Progress – Nuclear Medicine	Chicago, IL	October 1987	1.5
MRI Seminar - New Mexico Radiology Society	Albuquerque, NM	March 1988	3.5
13 th Annual SCVIR Mtg on Diagnostic Angiography and Interventional Radiology	Orlando, FL	March 21-24, 1988	22.0
American Society of Neuroradiology 26 th Annual Meeting	Chicago, IL	May 13-20, 1988	42.5
12 th Annual Neurology Resident-Faculty Research Day	Albuquerque, NM	June 17, 1988	5.0
Intermountain Imaging Conference	Milwaukee, WI	Feb 11, 1989	33.0
American Society of Neuroradiology 27 th Annual Meeting	Orlando, FL	March 18, 1989	42.3
Neurology '89: New Approaches to Common Problems	Albuquerque, NM	May 4, 1989	4.0
Western Neuro-Radiological Society	Pebble Beach, CA	October 1989	11.3
Percutaneous Lumbar Discectomy	Philadelphia, PA	October 1989	11.0
RSNA	Chicago, IL	November 1989	10.0
American Society of Neuroradiology 28 th Annual Meeting	Los Angeles, CA	March 1990	45.0
American College of Forensic Psychiatry 8 th Annual Symposium	Las Vegas, NV	March 6-9, 1990	8.0
American Association of Neurological Surgeons	Nashville, TN	April 28, 1990	40.0
14 th Annual Neurology Resident-Faculty Research Day	Albuquerque, NM	June 7-8, 1990	11.0
Western Neuroradiological Society	Santa Fe, NM	October 1990	11.0
RSNA	Chicago, IL	November 1990	1.0

Advances in Mid and Low Field MRI	Portland, OR	September 1990	19.0
Radiological Society of North America	Oak Brook, IL	January 1991	1.0
76 th Annual Meeting			
Neurology '91: New Approaches to Common Problems	Albuquerque, NM	May 1991	3.0
American Society of Neuroradiology	Washington, D.C.	June 9-14, 1991	34.0
American Society of Neuroradiology	Washington, D.C.	June 14-16, 1991	30.0
University of Miami School of Medicine	Miami, FL	September 1991	20.0
CNS	Washington, D.C.	October 1991	40.0
Rush Medical College	Chicago, IL	May 31-Jun 6, 1992	18.5
ASNR	St. Louis, MO	May 31-Jun 5, 1992	18.0
WNRS	San Francisco, CA	Oct 1-4, 1992	13.0
CNS	Washington, D.C.	Oct 31-Nov 5, 1992	22.0
RSNA	Chicago, IL	Nov 29-Dec 4, 1992	1.0
University of New Mexico School of Medicine	Albuquerque, NM	Nov 6-7, 1992	16.5
American Society of Neuroimaging	Minneapolis, MN	Feb 2-6, 1993	15.0
Educational Symposia, Inc.	Tampa, FL	Feb 6-13, 1993	12.0
American College of Forensic Psychiatry	Santa Fe, NM	April 22-25, 1993	6.0
American Society of Neurological Surgeons		April 24-29, 1993	32.5
ASNR	Vancouver, Canada	May 13-20, 1993	10.5
Update	Albuquerque, NM	June 24-26, 1993	3.5
Comprehensive MR Review	Durango, CO	July 26-30, 1993	28.0
RSNA	Chicago, IL	Nov 28-Dec 3, 1993	3.0
ASNR	Nashville, TN	May 1-7, 1993	53.0
Comprehensive Course in MR Imaging	Milwaukee, WI	July 24-29, 1994	25.5
Magnetic Resonance Imaging Update	New York, NY	Nov 12-13, 1994	6.0
RSNA	Chicago, IL	Nov 27-Dec 1, 1994	1.5
10 th Annual Snowmass MR & CT of Head and Spine	Snowmass, CO	Feb 11-18, 1995	12.0
RSNA	Chicago, IL	Jan 16, 1996	1.5
16 th NM Chapter of American College of Emergency Physicians Emergency Medical Symposium	Albuquerque, NM	April 18-19, 1996	4.0

11 th Annual-Snowmass MRI Update '96 ASNR	Snowmass, CO Seattle, WA	February 1996 June 23-27, 1996	15.0 54.25
American Heart Association Cardiopulmonary and Emergency Cardiac Care Provider	Albuquerque, NM	July 11-15, 1996	16.6
13 th Annual-MRI '96 MRI of the Head and Spine, Educational Symposium	Las Vegas, NV	July 22-24, 1996	19.0
8 th Annual Advances in Mid and Low Field MRI Educational Symposia	Tampa, FL	Sep 5-8, 1996	16.0
WNRS	San Diego, CA	Oct 3-6, 1996	11.5
Advanced Interactive Head and Neck Imaging	Salt Lake City, UT	Oct 11-13, 1996	23.0
RSNA	Chicago, IL	Dec 1-6, 1996	3.5
AUR/SCARD	Dallas, TX	April 9-13, 1997	12.0
ASNR	Toronto, Ontario	May 15-22, 1997	20.75
Advances in Mid and Low Field MRI 1997	Orlando, FL	Oct 16-19, 1997	10.0
9 th Annual Meeting - American Neuropsychiatric Association	Waikiki, HI	February 3, 1998	14.0
RSNA	Chicago, IL	Nov 29 – Dec 4, 1998	1.5
SCVIR	Orlando, FL	Mar 20-25, 1998	11.5
UU Alumni Reunion	Salt Lake City, UT	May 8, 1999	1.0
RSNA	Chicago, IL	Nov 28 – Dec 3, 1999	23.75
Association of University Radiologists	Orlando, FL	April 5-9, 2000	32.5
Advances in Mid and Low Field Imaging	Orlando, FL	Oct 12-15, 2000	4.0
RSNA	Chicago, IL	Nov 26 – Dec 1, 2000	7.5
RSNA	Chicago, IL	Dec 1-6, 2002	23.75
University of New Mexico	Albuquerque, NM	Dec 16-20, 2002	54.0
Johns Hopkins University Multimedia Radiology	Baltimore, MD	Sep 9, 2003	4.0
Johns Hopkins University Multimedia Nuclear Med	Baltimore, MD	Sep 9, 2003	5.0
Johns Hopkins University Multimedia Nuclear Med	Baltimore, MD	Sep 10, 2003	8.0
Johns Hopkins University Multimedia Radiology	Baltimore, MD	Sep 12, 2003	5.0
Johns Hopkins University Multimedia Radiology	Baltimore, MD	Oct 1, 2003	5.0
Johns Hopkins University Multimedia Nuclear Med	Baltimore, MD	Oct 1, 2003	4.0
RSNA	Chicago, IL	Nov 29-Dec 5,	1.0

		2003	
Johns Hopkins University Multimedia Radiology	Baltimore, MD	May 1, 2003	35.0
Duke University Multimedia Radiology		May 3, 2003	5.0
Johns Hopkins University Multimedia Radiology	Baltimore, MD	May 13, 2003	15.0
Johns Hopkins University Multimedia Radiology	Baltimore, MD	May 14, 2003	10.0
Johns Hopkins University Multimedia Nuclear Med	Baltimore, MD	May 13, 2003	32.0
Johns Hopkins University Multimedia Nuclear Med	Baltimore, MD	May 14, 2003	20.0
Johns Hopkins University Multimedia Radiology	Baltimore, MD	May 15, 2003	5.0
Johns Hopkins University Multimedia Nuclear Med	Baltimore, MD	Feb 24, 2004	4.0
Johns Hopkins University Multimedia Nuclear Med	Baltimore, MD	May 26, 2004	4.0
Johns Hopkins University Multimedia Radiology	Baltimore, MD	May 26, 2004	45.0
Johns Hopkins University Multimedia Radiology	Baltimore, MD	Sep 13, 2004	25.0
RSNA	Chicago, IL	Nov 28-Dec 3, 2004	1.0
Johns Hopkins University Multimedia Radiology	Baltimore, MD	Feb 28, 2005	15.0
Johns Hopkins University Multimedia Radiology	Baltimore, MD	Apr 18, 2005	15.0
RSNA	Chicago, IL	Nov 27-Dec 2, 2005	23.0
3T Neuroimaging	Las Vegas, NV	Jun 26-28, 2006	18.0
Medical Ethics of Patient Safety	Las Vegas, NV	Jan 29, 2007	1.0
Medical Ethics of Radiation Risk	Las Vegas, NV	Jan 29, 2007	1.0
Visiting Physician Fellowship	Las Vegas, NV	Jan 29-Feb1, 2007	16.5
Multi-Detector CT Imaging 2007	Nashville, TN	Apr 20-21, 2007	12.0
RSNA	Chicago, IL	Nov 26-Dec 1, 2006	15.0
Multi-Detector CT Imaging 2008	Las Vegas, NV	Apr 26-27, 2008	13.0
RSNA	Chicago, IL	Nov 26-29, 2007	57.0
RSNA	Chicago, IL	Nov 30-Dec 3,	57.75

RSNA	Chicago, IL	2008 Nov 30-Dec 4, 2009	35.0
Western University Health Sciences Precepting Category 2 CME	Las Vegas, NV	Oct 1 – Dec 31, 2009	2.0
6 th Annual Brain Injury Rehabilitation Conference	Carlsbad, CA	March 18-19, 2011	14.5
Myth vs. Fact – How Religion Views the Ethical Issues of Organ Donation	Las Vegas, NV	April 10, 2011	2.0
Radiology Society of North America Review of Radiology Manuscript	Chicago, IL	June 2011	3.0
Brain Injury Association of California	Napa, CA	Nov 4-6, 2011	14.0
Radiology Society of North America	Chicago, IL	Nov 27-Dec 2, 2011	16.0
Radiology Society of North America Review of Radiology Manuscript	Chicago, IL	Feb 2, 2012	3.0
Radiology Society of North America Review of Radiology Manuscript	Chicago, IL	March 13, 2012	3.0
Radiology Society of North America Review of Radiology Manuscript	Chicago, IL	Aug 23, 2012	3.0
Radiology Society of North America Review of Radiology Manuscript	Chicago, IL	Sept 19, 2012	3.0
Radiology Society of North America Review of Radiology Manuscript	Chicago, IL	Nov 10, 2012	3.0
Radiology Society of North America	Chicago, IL	Nov 30, 2012	18.5
Review of Radiology Manuscript Radiology Society of North America Review of Radiology Manuscript	Chicago, IL	Feb 23, 2013	3.0
Radiology Society of North America Review of Radiology Manuscript	Chicago, IL	Feb 23, 2013	3.0
Radiology Society of North America Review of Radiology Manuscript	Chicago, IL	Feb 23, 2013	3.0
Radiology Society of North America Review of Radiology Manuscript	Chicago, IL	March 12, 2013	3.0
Radiology Society of North America Review of Radiology Manuscripts	Chicago, IL	June 9, 2013	3.0

Radiology Society of North America Review of Radiology Manuscripts	Chicago, IL	June 9, 2013	3.0
Radiology Society of North America Review of Radiology Manuscripts	Chicago, IL	June 9, 2013	3.0
Radiology Society of North America Review of Radiology Manuscripts	Chicago, IL	Sept 7, 2013	3.0
Radiology Society of North America Review of Radiology Manuscripts	Chicago, IL	Sept 7, 2013	3.0
Radiology Society of North America Review of Radiology Manuscripts	Chicago, IL	Oct 10, 2013	3.0
Radiology Society of North America Review of Radiology Manuscripts	Chicago, IL	Oct 10, 2013	3.0
Radiology Society of North America	Chicago, IL	Dec 1-6, 2013	16.5
Radiology Society of North America Review of Radiology Manuscripts	Chicago, IL	Mar 2, 2014	21.0
Radiology Society of North America Review of Radiology Manuscripts	Chicago, IL	April 6, 2013	3.0
Radiology Society of North America Review of Radiology Manuscripts	Chicago, IL	April 6, 2013	3.0


CLERK OF THE COURT

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Attorneys for Defendant CEDRIC JACKSON

**DISTRICT COURT
CLARK COUNTY, NEVADA**

STATE OF NEVADA)	
)	Case No.: 10-C-265339-1
Plaintiff,)	
vs.)	Dept. No.: X
)	
CEDRIC L. JACKSON,)	
)	
)	
Defendant.)	

**JOINDER IN MOTION TO DISMISS, OR IN THE ALTERNATIVE, TO COMPEL
DISCLOSURE OF BRADY MATERIAL AND TO CONTINUE TRIAL ON AN ORDER
SHORTENING TIME**

COMES NOW, Defendant CEDRIC L. JACKSON, by and through his attorney, DAN M. WINDER, ESQ., of the LAW OFFICE OF DAN M. WINDER, and hereby joins in co-defendant, PRENTICE COLEMAN'S, Motion to Dismiss, or in the Alternative, to Compel Disclosure of Brady Material and to Continue Trial on an Order Shortening Time. Jackson only joins in said motion to

1 the extent that it requests to continue the trial.

2 DATED this 2nd day of June, 2014.

3
4 /s/ Dan M. Winder, Esq.
5 DAN M. WINDER, ESQ
6 Nevada Bar No. 001569
7 PATRICIA PALM, ESQ.
8 Nevada State Bar No. 006009
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1 **POINTS AND AUTHORITIES**

2 **II. Legal Argument**

3 Joinder or adoption of co-defendant Motion to Dismiss, et al. is appropriate because
4 JACKSON is legally similarly situated to his co-defendant that moved for a continuance, among
5 other things. Permitting joinder will reduce needless repetition of common motions and would
6 thus conserve judicial resources and promote judicial economy. *United States v. Ballester*, 763
7 F.2d 368 (9th Cir. 1985), cert. Denied, 474 U.S. 842, *United State v. Costa*, 691 F.2d 1358
8 (1982).
9


10
11 Thus, Defendant JACKSON, requests that the trial date be continued for the same reasons
12 outlined in co-defendant's Motion. In addition, Defendant JACKSON, requests that any Order
13 issued pursuant to his co-defendant's motion, regarding continuance of the trial, also be
14 considered valid as to him, only as to the issue of continuing the trial.

15 DATED this 2nd day of June, 2014.
16

17 /s/ Dan M. Winder, Esq.
18 DAN M. WINDER, ESQ
19 Nevada Bar No. 001569
20 ARNOLD WEINSTOCK, ESQ.
21 Nevada Bar No. 000810
22 3507 W. Charleston Blvd.
23 Las Vegas, Nevada 89102
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FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

SEP 17 2014

BY: 
DANA BATISTE DEPUTY

1 AINF
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 LIZ MERCER
6 Chief Deputy District Attorney
7 Nevada Bar #010681
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 CEDRIC JACKSON,
13 #1581340

14 Defendant.

CASE NO. 10C265339-1

DEPT NO. X

AMENDED
INFORMATION

15 STATE OF NEVADA }
16 COUNTY OF CLARK } ss:

17 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State
18 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

19 That CEDRIC JACKSON, the Defendant(s) above named, having committed the
20 crimes of **SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON**
21 **(Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50011)** and **ATTEMPT**
22 **MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010,**
23 **200.030, 193.330, 193.165 - NOC 50031)**, on or about the 31st day of January, 2010, within
24 the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such
25 cases made and provided, and against the peace and dignity of the State of Nevada,

26 //

27 //

28 //

1 COUNT 1 - SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON

2 did then and there wilfully, feloniously, without authority of law, and with
3 ~~premeditation and deliberation~~ ^{with}, and with malice aforethought, kill JAMARIO MACKLIN, a
4 human being, by shooting at and into the body of JAMARIO MACKLIN, with a deadly
5 weapon, to-wit: a firearm, Defendant being responsible under one or more of the following
6 principles of criminal liability: (1) by directly committing the act, and/or (2) by Defendant
7 and PRENTICE COLEMAN conspiring with each other and/or with two unidentified persons
8 to commit the offense of murder, each with the intent that the murder occur; and/or (3) by
9 aiding or abetting each other and/or two unidentified persons, by Defendant and PRENTICE
10 COLEMAN and the two unidentified persons accompanying each other to the crime scene, by
11 Defendant and/or PRENTICE COLEMAN and/or one or both of the unidentified persons
12 carrying firearms, by Defendant and/or PRENTICE COLEMAN and/or one or both of the
13 unidentified persons actually shooting at and into the body of said JAMARIO MACKLIN,
14 Defendant and/or PRENTICE COLEMAN offering counsel and encouragement throughout,
15 each with the intent that the murder occur.

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

17 did then and there, without authority of law, and malice aforethought, willfully and
18 feloniously attempt to kill MARCUS ALBERT, a human being, by shooting at and into the
19 body of MARCUS ALBERT, with a deadly weapon, to-wit: a firearm, Defendant being
20 responsible under one or both of the following principles of criminal liability: (1) by directly
21 committing the act, and/or (2) by Defendant and PRENTICE COLEMAN conspiring with
22 each other and/or with two unidentified persons to commit the offense of murder, each with
23 the intent that the murder occur; and/or (3) by aiding or abetting each other and/or two
24 unidentified persons, by Defendant and PRENTICE COLEMAN and the two unidentified
25 persons accompanying each other to the crime scene, by Defendant and/or PRENTICE
26 COLEMAN and/or one or both of the unidentified persons carrying firearms, by Defendant
27 and/or PRENTICE COLEMAN and/or one or both of the unidentified persons actually
28 shooting at and into the body of said MARCUS ALBERT, Defendant and/or PRENTICE

1 COLEMAN offering counsel and encouragement throughout, each with the intent that a
2 murder occur.

3 STEVEN B. WOLFSON
4 DISTRICT ATTORNEY
5 Nevada Bar #001565

6 BY

7 EIZ MERCER
8 Chief Deputy District Attorney
9 Nevada Bar #010681
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27 DA#10FN0329A/mmww/GCU
28 NLVPD EV#1002450
(TK)

GPA
STEVEN B. WOLFSON
 Clark County District Attorney
 Nevada Bar #001565
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 Attorney for Plaintiff

FILED IN OPEN COURT
 STEVEN D. GRIERSON
 CLERK OF THE COURT

SEP 17 2014
 BY: 
 Danna Batiste, Deputy

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
 Plaintiff,

-vs-

CEDRIC JACKSON,
 #1581340

Defendant.

CASE NO: 10C265339-1

DEPT NO: X

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: COUNT 1 - SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50011) and COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031), as more fully alleged in the charging document attached hereto as Exhibit "1".

My decision to plead guilty is based upon the plea agreement in this case which is as follows:

The Defendant's plea is conditional upon him receiving the following stipulated sentence. The parties jointly recommend a sentence of ten (10) to twenty-five (25) years as to Count 1 with a consecutive four (4) to twelve (12) years as to the deadly weapon enhancement. In addition, the parties stipulate to two (2) to five (5) years as to Count 2 with a consecutive twelve (12) to thirty (30) months sentence as to the deadly weapon enhancement. The parties stipulate that the sentences on each count will run concurrently to one another.

1 I agree to the forfeiture of any and all weapons or any interest in any weapons seized
2 and/or impounded in connection with the instant case and/or any other case negotiated in
3 whole or in part in conjunction with this plea agreement.

4 I understand and agree that, if I fail to interview with the Department of Parole and
5 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,
6 by affidavit review, confirms probable cause against me for new criminal charges including
7 reckless driving or DUI, but excluding minor traffic violations, the State will have the
8 unqualified right to argue for any legal sentence and term of confinement allowable for the
9 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
10 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without
11 the possibility of parole, life with the possibility of parole after ten (10) years, or a definite
12 twenty-five (25) year term with the possibility of parole after ten (10) years.

13 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
14 plea agreement.

15 CONSEQUENCES OF THE PLEA

16 I understand that by pleading guilty I admit the facts which support all the elements of
17 the offense(s) to which I now plead as set forth in Exhibit "1".

18 As to Count 1 - I understand that as a consequence of my plea of guilty the Court must
19 sentence me to life in the Nevada Department of Corrections with the possibility of parole with
20 parole eligibility beginning at ten (10) years or definite term of twenty-five (25) years with
21 parole eligibility beginning at ten (10) years, plus a consecutive one (1) to twenty (20) years
22 for the use of a deadly weapon.

23 As to Count 2 - I understand that as a consequence of my plea of guilty the Court must
24 sentence me to imprisonment in the Nevada Department of Corrections for a minimum term
25 of not less than two (2) years and a maximum term of not more than twenty (20) years, plus a
26 consecutive one (1) to twenty (20) years for the use of a deadly weapon.. The minimum term
27 of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment.

28 //

1 I understand that the law requires me to pay an Administrative Assessment Fee.

2 I understand that, if appropriate, I will be ordered to make restitution to the victim of
3 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
4 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
5 reimburse the State of Nevada for any expenses related to my extradition, if any.

6 I understand that I am not eligible for probation for the offense to which I am pleading
7 guilty.

8 I understand that I must submit to blood and/or saliva tests under the Direction of the
9 Division of Parole and Probation to determine genetic markers and/or secretor status.

10 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,
11 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or
12 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation
13 and may receive a higher sentencing range.

14 I understand that if more than one sentence of imprisonment is imposed and I am
15 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
16 the sentences served concurrently or consecutively.

17 I understand that information regarding charges not filed, dismissed charges, or charges
18 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

19 I have not been promised or guaranteed any particular sentence by anyone. I know that
20 my sentence is to be determined by the Court within the limits prescribed by statute.

21 I understand that if my attorney or the State of Nevada or both recommend any specific
22 punishment to the Court, the Court is not obligated to accept the recommendation.

23 I understand that if the offense(s) to which I am pleading guilty was committed while I
24 was incarcerated on another charge or while I was on probation or parole that I am not eligible
25 for credit for time served toward the instant offense(s).

26 I understand that if I am not a United States citizen, any criminal conviction will likely
27 result in serious negative immigration consequences including but not limited to:

28 //

1. The removal from the United States through deportation;
2. An inability to reenter the United States;
3. The inability to gain United States citizenship or legal residency;
4. An inability to renew and/or retain any legal residency status; and/or
5. An indeterminate term of confinement, with the United States Federal Government based on my conviction and immigration status.

Regardless of what I have been told by any attorney, no one can promise me that this conviction will not result in negative immigration consequences and/or impact my ability to become a United States citizen and/or a legal resident.

I understand that the Division of Parole and Probation will prepare a report for the sentencing judge prior to sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. This report may contain hearsay information regarding my background and criminal history. My attorney and I will each have the opportunity to comment on the information contained in the report at the time of sentencing. Unless the District Attorney has specifically agreed otherwise, the District Attorney may also comment on this report.

WAIVER OF RIGHTS

By entering my plea of guilty, I understand that I am waiving and forever giving up the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.
2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense(s) charged.
3. The constitutional right to confront and cross-examine any witnesses who would testify against me.
4. The constitutional right to subpoena witnesses to testify on my behalf.
5. The constitutional right to testify in my own defense.

//

- 1 6. The right to appeal the conviction with the assistance of an attorney,
2 either appointed or retained, unless specifically reserved in writing and
3 agreed upon as provided in NRS 174.035(3). I understand this means I
4 am unconditionally waiving my right to a direct appeal of this conviction,
5 including any challenge based upon reasonable constitutional,
6 jurisdictional or other grounds that challenge the legality of the
7 proceedings as stated in NRS 177.015(4). However, I remain free to
8 challenge my conviction through other post-conviction remedies
9 including a habeas corpus petition pursuant to NRS Chapter 34.

10 VOLUNTARINESS OF PLEA

11 I have discussed the elements of all of the original charge(s) against me with my
12 attorney and I understand the nature of the charge(s) against me.

13 I understand that the State would have to prove each element of the charge(s) against
14 me at trial.

15 I have discussed with my attorney any possible defenses, defense strategies and
16 circumstances which might be in my favor.

17 All of the foregoing elements, consequences, rights, and waiver of rights have been
18 thoroughly explained to me by my attorney.

19 I believe that pleading guilty and accepting this plea bargain is in my best interest, and
20 that a trial would be contrary to my best interest.

21 I am signing this agreement voluntarily, after consultation with my attorney, and I am
22 not acting under duress or coercion or by virtue of any promises of leniency, except for those
23 set forth in this agreement.

24 I am not now under the influence of any intoxicating liquor, a controlled substance or
25 other drug which would in any manner impair my ability to comprehend or understand this
26 agreement or the proceedings surrounding my entry of this plea.

27 //

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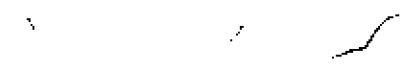
 //

1 My attorney has answered all my questions regarding this guilty plea agreement and its
2 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

3 DATED this 17th day of Sept ~~August~~, 2014.

4
5 
6 CEDRIC JACKSON
7 Defendant

8 AGREED TO BY:

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11 LIZ MERCER
12 Chief Deputy District Attorney
13 Nevada Bar #010681
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1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court
3 hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.
8 3. I have inquired of Defendant facts concerning Defendant's immigration status
9 and explained to Defendant that if Defendant is not a United States citizen any
10 criminal conviction will most likely result in serious negative immigration
11 consequences including but not limited to:
12 a. The removal from the United States through deportation;
13 b. An inability to reenter the United States;
14 c. The inability to gain United States citizenship or legal residency;
15 d. An inability to renew and/or retain any legal residency status; and/or
16 e. An indeterminate term of confinement, by with United States Federal
17 Government based on the conviction and immigration status.

18 Moreover, I have explained that regardless of what Defendant may have been
19 told by any attorney, no one can promise Defendant that this conviction will not
20 result in negative immigration consequences and/or impact Defendant's ability
21 to become a United States citizen and/or legal resident.

- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are
23 consistent with the facts known to me and are made with my advice to the
24 Defendant.
25 5. To the best of my knowledge and belief, the Defendant:
26 a. Is competent and understands the charges and the consequences of
27 pleading guilty as provided in this agreement.
28 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily, and
c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant as
certified in paragraphs 1 and 2 above.

Dated: This 17th day of Sept, 2014.


ATTORNEY FOR DEFENDANT

mmw/GCU

1 **AINF**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 LIZ MERCER
6 Chief Deputy District Attorney
7 Nevada Bar #010681
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 CEDRIC JACKSON,
13 #1581340

14 Defendant.

CASE NO. 10C265339-1

DEPT NO. X

13 **A M E N D E D**
14 **I N F O R M A T I O N**

15 STATE OF NEVADA }
16 COUNTY OF CLARK } ss:

17 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State
18 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

19 That CEDRIC JACKSON, the Defendant(s) above named, having committed the
20 crimes of **SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON**
21 **(Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50011)** and **ATTEMPT**
22 **MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010,**
23 **200.030, 193.330, 193.165 - NOC 50031).** on or about the 31st day of January, 2010, within
24 the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such
25 cases made and provided, and against the peace and dignity of the State of Nevada,

26 //

27 //

28 //

EXHIBIT "1"

1 COUNT 1 - SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON

2 did then and there wilfully, feloniously, without authority of law, and ~~with~~ ^{by}
3 ~~premeditation and deliberation~~, and with malice aforethought, kill JAMARIO MACKLIN, a
4 human being, by shooting at and into the body of JAMARIO MACKLIN, with a deadly
5 weapon, to-wit: a firearm, Defendant being responsible under one or more of the following
6 principles of criminal liability: (1) by directly committing the act, and/or (2) by Defendant
7 and PRENTICE COLEMAN conspiring with each other and/or with two unidentified persons
8 to commit the offense of murder, each with the intent that the murder occur; and/or (3) by
9 aiding or abetting each other and/or two unidentified persons, by Defendant and PRENTICE
10 COLEMAN and the two unidentified persons accompanying each other to the crime scene, by
11 Defendant and/or PRENTICE COLEMAN and/or one or both of the unidentified persons
12 carrying firearms, by Defendant and/or PRENTICE COLEMAN and/or one or both of the
13 unidentified persons actually shooting at and into the body of said JAMARIO MACKLIN,
14 Defendant and/or PRENTICE COLEMAN offering counsel and encouragement throughout,
15 each with the intent that the murder occur.

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

17 did then and there, without authority of law, and malice aforethought, willfully and
18 feloniously attempt to kill MARCUS ALBERT, a human being, by shooting at and into the
19 body of MARCUS ALBERT, with a deadly weapon, to-wit: a firearm, Defendant being
20 responsible under one or both of the following principles of criminal liability: (1) by directly
21 committing the act, and/or (2) by Defendant and PRENTICE COLEMAN conspiring with
22 each other and/or with two unidentified persons to commit the offense of murder, each with
23 the intent that the murder occur; and/or (3) by aiding or abetting each other and/or two
24 unidentified persons, by Defendant and PRENTICE COLEMAN and the two unidentified
25 persons accompanying each other to the crime scene, by Defendant and/or PRENTICE
26 COLEMAN and/or one or both of the unidentified persons carrying firearms, by Defendant
27 and/or PRENTICE COLEMAN and/or one or both of the unidentified persons actually
28 shooting at and into the body of said MARCUS ALBERT, Defendant and/or PRENTICE

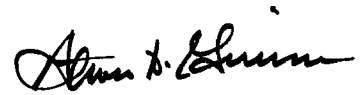
1 COLEMAN offering counsel and encouragement throughout, each with the intent that a
2 murder occur.

3 STEVEN B. WOLFSON
4 DISTRICT ATTORNEY
5 Nevada Bar #001565

6 BY /s//LIZ MERCER
7 LIZ MERCER
8 Chief Deputy District Attorney
9 Nevada Bar #010681
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27 DA#10FN0329A/mmww/GCU
28 NLVPD EV#1002450
(TK)

**THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
563 - 570
WILL FOLLOW VIA
U.S. MAIL**



CLERK OF THE COURT

EXH
PALM LAW FIRM, LTD.
PATRICIA PALM, ESQ.
Nevada Bar No. 6009
1212 S. Casino Center Blvd.
Las Vegas, NV 89104
Phone: (702) 386-9113
Fax: (702) 386-9114
Email: Patricia.palmlaw@gmail.com
LAW OFFICE OF DAN M. WINDER, P.C.
DAN M. WINDER, ESQ.
3507 W. Charleston Blvd.
Las Vegas, NV 89102
Phone: (702) 474-0523
Fax: (702) 474-0631
Email: winderdanatty@aol.com
Attorneys for Defendant Cedric Jackson

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

v.

CEDRIC L. JACKSON,

Defendant.

CASE NO: 10-C-265339-1

DEPT. NO: X

DATE: November 19, 2014

TIME: 8:30 a.m.

EXHIBITS FOR CONSIDERATION IN SENTENCING

DEFENDANT

COMES NOW Defendant Cedric Jackson, by and through his attorneys,
Dan M. Winder and Patricia A. Palm, and hereby submits the attached
Exhibits for this Honorable Court's consideration in sentencing Mr. Jackson.

DATED this 12th day of November, 2014.

/S/ Patricia A. Palm

By: _____

PATRICIA A. PALM
DAN M. WINDER

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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of November, 2014, I did serve a true and correct copy of the foregoing Exhibits for Consideration in Sentencing Defendant upon the following parties through the Clark County Courts E-filing system, addressed as:

Clark County Deputy District Attorney Elizabeth Mercer,
Elizabeth.Mercer@clarkcountydade.com,

And

Clark County Chief Deputy District Attorney Noreen DeMonte,
Noreen.DeMonte@clarkcountydade.com.

Dated: Nov. 12, 2014

/S/ Patricia A. Palm
An Employee of Palm Law Firm, Ltd.

EXHIBIT A

Dear Sir,
I am writing to you on behalf of Mr. Jakob Jackson. I am not asking you to excuse the crime @ hand, just to view "Rob" as a whole person, & take into consideration every characteristic of him & not just the Criminal defendant.

He is a very loving and caring, devoted & nurturing father, Grandson, Son & brother. He is a very important part of our family. He always go above the call of his perspective role, to be a caregiver to his grandmother, helping to care for her @ home, & and providing ~~top~~ respite care to help ease the task and allowing his mother a chance to rest & and recuperate and, allowing help prevents the need for nursing home placement.

He is a devoted father, caring and providing for his children, which is his job but also allows the mother to pursue some of their goals and dreams. All of these things he does with a joyful attitude & and kindness. Never complaining.

I am asking you to review all, and see the need for this

Young man to continue to ~~be~~ be
in society with his children and
family to contribute to the up-
bring of and care for them. Please
review ~~and~~ consider all, finding
a judgement that would be
beneficial to all outcomes, espe-
cially the children, who are our
future.

I pray that God continues
to give you strength and en-
durance; for the purpose which
you are called to ~~do~~ is very
mentally and physically chal-
lenging. May God bless you
and keep you.

Thank-you
Mrs. Yvette King

EXHIBIT B

Your Honor

I am Jo Rob's grandma. They call me granny. I am hoping you will take in consideration Jo Rob is a wonderful person and very caring and thoughtful. He helped us so much. The

Doctor said I had a heart attack and a stroke. Jo Rob would come check on me and see that I was eating or if I needed anything. If he couldn't come he would send someone. After I came home from the Hospital.

First I had kidney removed and he was very helpful. Jo Rob is a kind hearted person. He loves his mother, myself and his brothers and sister. He also loves his boys. He made sure they were

taken care of. He use to get
their breakfast and baths and
keep them together, I cant
say what he didnt when he
wasnt around us, but when he
was he was very reliable and
trust worthy young man. He would
go pick up his Niece and nephews
and some of his friends kids
go and take them to parties
and riding around thats who
I Rob is. I am so sorry
for the family and their loss.
If I Rob has to go away
for a long time we all lose
his boys who need him so
much And the rest of our
family

Sincerely

Velma Alexander

EXHIBIT C

Your Honor

My Son Cedric is a man
that grew up in Las Vegas.
I did my best to keep him
away from the streets and around
the wrong crowd. He was the one
person I could depend on, You could
say I depended on him too much.
That's one reason why I can't cope
right now. I haven't been able to
work since this nightmare started.
He was my protector instead of me
protecting him he grew up faster
than a lot of other children.
He took over the role of my
husband and father, instead of
being a little boy. He would
always say mama im gonna take care
of you. I took that literally and
failed my son. I have 3 other

children. I remember him driving
to Henderson one day my mom
was sick she babysit for me
when I was working, and he
wanted to get her because she was
too sick to drive to town.

He would pick his brothers up
from school and take care of
his sister while I worked.

That's who Cedric is.

Cedric worked in Summer and
went to Summer school to make
sure he would graduate on time
he had trouble in school he had a
learning disability but he wouldn't
let it bother him he would say
mom don't worry about me my
girl will help me at school or
a teacher. When Keana got
sick he took a class to
help take care of her Diabetes
That's Cedric.

Cedric has three boys of his own but we still could depend on him to take care of whatever needed to be done with his brothers or sister. He still would be there for us too. Cedric is not the kind of person who thinks about himself it always been about other people. That's why I will give my last dollar that this crime my son is away for its not him. So will you consider the person we know as Cedric. I & Rob Jackson and be lieutenant on him. I am so sorry for the family. That horrible loss and my heart goes out to them. My son Cedric is not a monster he is a loving and loyal person, son, father, brother.

Sincerely,
Edwina Jackson

EXHIBIT D

Subject: My big brother Cedric Jackson is thee best , funni

From: Keana King (keanaking9@icloud.com)

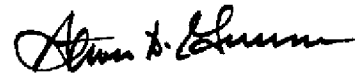
To: mlavergne@lavergnelaw.com;

Date: Tuesday, November 4, 2014 3:24 PM

My big brother Cedric Jackson is thee best , funniest ,responsible person I can think of ! He's everything a lil sister could want / need ! I'm proud to say that he's my big brother but he's more then just my big brother he's my best friend , my heart beat , my right to my left side , something like my dad. I know whenever I need something I can count on Cedric. Lunch money , help with homework , shopping , but most of all my diabetes. When I think of him I have nothing but happy thoughts , and smiles. He's a sweet gentlemen. He's caring , loving , always thinking of others before himself , humorous ,a great father even to others children. It hurts me most inside and out that he's been away from me so long because I know if he was here my life would be much better than it is today.

Since he's been gone apart of me has been missing I've tried to put life on hold such as my graduation , birthdays, accomplishments . . . It really hurt the most when he missed my graduation because he's one of the people that I did it for the most and for him not to see me walk across that stage was tragic, the last of my moms kids. I just hope that one day soon I can see that big smile on his face , get that embracing ,warm brotherly hug that he gives. Most of all my big brother back.

Sent from my iPhone



CLERK OF THE COURT

JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO. C265339-1

CEDRIC JACKSON
#1581340

DEPT. NO. X

Defendant.

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 COUNT 1 – SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.010, 200.030, 193.165; COUNT 2 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.010, 200.030, 193.330, 193.165; thereafter, on the 19th day of November, 2014, the Defendant was present in court for sentencing with his counsels DAN WINDER and PATRICIA PALM, ESQ.'S, and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee

//

1 including testing to determine genetic markers plus a \$3.00 DNA Collection Fee, the
2 Defendant is sentenced to the Nevada Department of Corrections as follows: As to
3 COUNT 1 – to a MAXIMUM of TWENTY-FIVE (25) YEARS with a MINIMUM parole
4 eligibility of TEN (10) YEARS, plus a CONSECUTIVE term of TWELVE (12) YEARS
5 with a MINIMUM parole eligibility of FOUR (4) YEARS for the Use of a Deadly
6 Weapon; as to COUNT 2 - to a MAXIMUM of SIXTY (60) MONTHS with a MINIMUM
7 parole eligibility of TWENTY-FOUR (24) MONTHS, plus a CONSECUTIVE term of
8 THIRTY (30) MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS
9 for the Use of a Deadly, Count 2 to run CONCURRENT with Count 1 with ONE
10 THOUSAND SEVEN HUNDRED FORTY-EIGHT (1,748) days credit for time served.
11
12

13
14 DATED this 20 day of November, 2014.
15

16
17 
18 JESSIE WALSH
19 DISTRICT JUDGE
20
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COSCC


CLERK OF THE COURT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA

CASE NO.: 10C265339-1

VS

DEPARTMENT 10

CEDRIC L JACKSON

CRIMINAL ORDER TO STATISTICALLY CLOSE CASE

Upon review of this matter and good cause appearing,

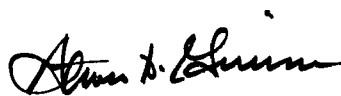
IT IS HEREBY ORDERED that the Clerk of the Court is hereby directed to
statistically close this case for the following reason:

DISPOSITIONS:

- ☐ Nolle Prosequi (before trial)
- ☐ Dismissed (after diversion)
- ☐ Dismissed (before trial)
- ☒ Guilty Plea with Sentence (before trial)
- ☐ Transferred (before/during trial)
- ☐ Bench (Non-Jury) Trial
 - ☐ Dismissed (during trial)
 - ☐ Acquittal
 - ☐ Guilty Plea with Sentence (during trial)
 - ☐ Conviction
- ☐ Jury Trial
 - ☐ Dismissed (during trial)
 - ☐ Acquittal
 - ☐ Guilty Plea with Sentence (during trial)
 - ☐ Conviction
- ☐ Other Manner of Disposition

DATED this 30th day of January, 2015.


JESSIE WALSH
DISTRICT COURT JUDGE



CLERK OF THE COURT

LAW OFFICE OF DAN M WINDER PC
DAN M. WINDER, ESQ.
Nevada Bar Number 001569
ARNOLD WEINSTOCK, ESQ.
Nevada Bar Number 000810
(702) 878-6000
3507 W. Charleston Blvd.
Las Vegas, Nevada 89102
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,)	Case No.: 10C265339-1
Plaintiff,)	
vs.)	Dept No.: X
)	
CEDRIC JACKSON ID #01581340,)	AFFIDAVIT/DECLARATION OF SERVICE OF
Defendant.)	CLARK COUNTY DETENTION CENTER, ATTN:
)	RECORDS

JOHN ELY, NEVADA LICENSE NUMBER 662, being duly sworn or under penalty of perjury, state that at all times relevant, I was over 18 years of Age, licensed to serve civil process in the State of Nevada under license number 1300, not a party to or interested in the proceeding in which this affidavit is made.

That on Wed, Feb 11 2015 at 11:01 AM, at the address of 330 S CASINO CENTER BLVD, within LAS VEGAS, NV, the undersigned duly served the following document(s): SUBPOENA (Received Feb 9, 2015 at 1:46pm) in the above entitled action upon CLARK COUNTY DETENTION CENTER, ATTN: RECORDS, by then and there, personally delivering 1 true and correct copy(ies) of the above documents

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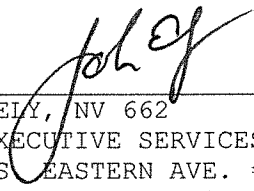
AFFIDAVIT/DECLARATION OF SERVICE OF

CLARK COUNTY DETENTION CENTER, ATTN: RECORDS - 1

1 into the hands of and leaving same with EDDIE MARTIN.

2 I declare under penalty of perjury under the law of the State of Nevada
3 that the forgoing is true and correct. No Notary is Required per NRS 53.045

4 Dated this 12TH of FEBRUARY, 2015

5
6 
7 _____
8 JOHN ELY, NV 662
9 ACE EXECUTIVE SERVICES (NV1300)
10 8275 S. EASTERN AVE. #200-819
11 LAS VEGAS, NV 89123
12
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AFFIDAVIT/DECLARATION OF SERVICE OF

CLARK COUNTY DETENTION CENTER, ATTN: RECORDS - 2

MC
PP
DA
AOR

Winder
DAN

Alan D. Quinn

CLERK OF THE COURT

1 CEDRIC JACKSON #
2 /In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

5 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
6 STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

7
8 THE STATE OF NEVADA
9 Plaintiff,

10 vs.

11 CEDRIC L. JACKSON
12 Defendant.

10C265339-1

Case No. 10-C-265339-1

Dept. No. X

Docket _____

14 **MOTION TO WITHDRAW COUNSEL**

15 Date of Hearing: 8-24-15

16 Time of Hearing: 8:30 am

17 'ORAL ARGUMENT REQUESTED, Yes ☒ No ☐

18 COMES NOW, Defendant, CEDRIC L. JACKSON, proceeding in proper person,
19 moves this Honorable Court for an ORDER Granting him permission to withdraw his present counsel
20 of record in the proceeding action, namely,

21 PATRICIA A. DALM AND DAN M. WINDER

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

25 DATED: this 24 day of July, 2015.

26 BY: Cedric Jackson
27 CEDRIC L. JACKSON #
28 /In Propria Personam

CLERK OF THE COURT

JUL 30 2015

RECEIVED

CLERK OF THE COURT

JUL 30 2015

RECEIVED

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3 **POINTS AND AUTHORITIES**

4 NRS 7.055 states in pertinent part:

- 5 1. An attorney who has been discharged by his client shall upon demand and payment of the fee
6 due from the client, immediately deliver to the client all papers, documents, pleadings and items
7 of tangible personal property which belong to or were prepared for that client.
- 8 2. . . If the court finds that an attorney has, without just cause, refused or neglected to obey its
9 order given under this section, the court may, after notice and fine or imprison him until the
10 contempt purged. If the court finds that the attorney has, without just cause, withheld the
11 client's papers, documents, pleadings, or other property, the attorney is liable for costs and
12 attorney's fees.

13 Counsel in the above-entitled case was court-appointed due to Defendant's indigence. Defendant
14 does not owe counsel any fees.

15 **WHEREFORE,** Defendant prays this Honorable Court, Grant his Motion to Withdraw Counsel
16 and that counsel deliver to Defendant all papers, documents, pleadings, discovery and any other
17 tangible property which belong to or were prepared for the Defendant to allow Defendant the proper
18 assistance that is needed to insure that justice is served.

19 **DATED:** this 24 day of July, 2015.

20 Respectfully submitted,

21 **BY:**

22 Cedric Jackson
23 CEDRIC JACKSON #

24 /In Propria Personam
25 Post Office Box 650 [HDSP]
26 Indian Springs, Nevada 89018
27
28

NAME: CEDRIC L. JACKSON # 1130512

HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NEVADA 89018

DATE: 7-24-15

TO: PATRICIA A. PALME & DALE M. WINDER
1212 S. Casino Center Blvd,
Las Vegas, NV 89104

DALE M. WINDER

3507 W. Charleston Blvd.

Las Vegas, NV 89102

SUBJECT: TERMINATION OF COUNSEL/TRANSFER OF RECORDS

CASE NO.: 10-C-265339-1

DEPT. NO.: X

CASE NAME: _____

Please be advised that from this date forward, your authority as Attorney of Record in the above-stated action is hereby terminated. All of the professional relations of Attorney and Client do hereby cease.

Please enter your withdrawal from this action with the Court immediately.

Pursuant to NRS 7.055, I respectfully request that you deliver to me, forthwith, all documents, papers, pleadings and tangible personal property that is in your possession that relates to the above-named action.

Your prompt attention to this request is genuinely appreciated.

Respectfully,

* Cedric Jackson

//////

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//////

CERTIFICATE OF SERVICE BY MAILING

I, CEDRIC L. JACKSON, hereby certify, pursuant to NRCP 5(b), that on this 24
day of July, 2015, I mailed a true and correct copy of the foregoing, "MOTION TO
WITHDRAW COUNSEL"

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

STEVEN D. GRIEDSON
200 LEWIS AVENUE 3RD FLOOR
LAS VEGAS NV 89160

CC:FILE

DATED: this 24 day of July, 2015.

Cedric Jackson
CEDRIC L. JACKSON

/In Propria Personam

Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

NATIONAL TO UTILITARIAN COUNCIL

(Title of Document)

filed in District Court Case number 13-C-2105339-1

☐ 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.

Cedric Jackson
Signature

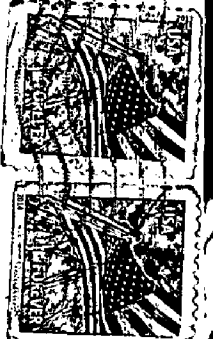
7-24-15
Date

CEDRIC L JACKSON
Print Name

Title

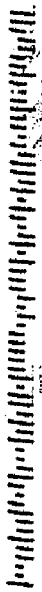
DEBBIE L. THOMPSON #1130512
M.D. 5/12
P.O. Box 6050
Indian Springs, Nev. 89018

LAS VEGAS NV 890
27 JUL 2015 PM 3:1



STEVEN D. GRIERSON
Clerk of the Court
200 Lewis Avenue 3rd Floor
Las Vegas, Nev. 89155-1160

691013E300



UNIT 11
JUL 27 2015

MC
PP
DA
AOR

Alvin D. Blum

CLERK OF THE COURT

1 CEDRIC L. JACKSON
2 / In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA

9 Plaintiff,

10 vs.

11 CEDRIC L. JACKSON

12 Defendant

Case No. 10-C-265339-1

Dept No. X

Docket _____

13
14 NOTICE OF MOTION

15 YOU WILL PLEASE TAKE NOTICE, that MOTION TO WITHDRAW

16 COUNSEL

17 will come on for hearing before the above-entitled Court on the 24 day of Aug., 2015,
18 at the hour of 8:30 am o'clock M. In Department X, of said Court.

19
20 CC:FILE

21
22 DATED: this 24 day of July, 2015.

23
24 BY: Cedric Jackson
25 CEDRIC L. JACKSON #
/In Propria Personam

CLERK OF THE COURT

RECEIVED
JUL 30 2015

RECEIVED
JUL 30 2015
CLERK OF THE COURT


CLERK OF THE COURT

ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JOHN T. JONES
Chief Deputy District Attorney
Nevada Bar #009598
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CEDRIC LEROB JACKSON,
#1581340

Defendant.

CASE NO: 10C265339-1

DEPT NO: X

ORDER GRANTING DEFENDANT'S PRO PER MOTION
TO WITHDRAW COUNSEL

DATE OF HEARING: AUGUST 24, 2015
TIME OF HEARING: 8:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 24th day of August, 2015, the Defendant not being present, REPRESENTED BY ARNOLD WEINSTOCK, Esq., the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through JOHN T. JONES, Chief Deputy District Attorney, without argument, based on the pleadings and good cause appearing therefor,

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1 IT IS HEREBY ORDERED that the Defendant's Pro Per Motion to Withdraw Counsel,
2 shall be, and it is GRANTED. Mr. Weinstock is to send file to the defendant.

3 DATED this 41st day of August, 2015.

4
5 Jessie Walsh
DISTRICT JUDGE *red*

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

8
9 BY

John T. Jones
10 JOHN T. JONES
11 Chief Deputy District Attorney
12 Nevada Bar #009598
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1 CERTIFICATE OF SERVICE

2 I certify that on the 2nd day of September, 2015, I mailed a copy of the foregoing
3 Order to:

4 CEDRIC LEROB JACKSON #1130512
5 HIGH DESERT STATE PRISON
6 P.O. BOX 650
7 INDIAN SPRINGS, NV 89018

8 BY


R. JOHNSON

Secretary for the District Attorney's Office

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28 rj/M-1

MCI
DA
PP2

CEDRIC JACKSON #1130512

Petitioner - In Propria Persona

SDCC Post Office Box 208

Indian Springs, Nevada 89070-0208

Electronically Filed
12/08/2015 11:29:47 AM

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Allen D. Shuman
CLERK OF THE COURT

CEDRIC JACKSON

Petitioner

Case No. # C265339
Dept. No. # 10

Vs.

STATE OF NEVADA

Defendants.

Hearing Date: 01-04-2016

Time: 8:30AM

MOTION FOR ENLARGEMENT OF TIME, FRCP 6(b) / FRAP 26 (b)

COMES NOW, CEDRIC JACKSON, the Petitioner in proper person and respectfully submits

his Motion for Enlargement of Time, pursuant FRCP rule 6(b) / FRAP rule 26(b) and states further:

I, CEDRIC JACKSON, Petitioner in the above entitled action, does and hereby move

that time within to File:

Motion for enlargement of Time, FRCP 6(b) /

IN WHICH TO FILE "notice of motion" (motions for modification of order) FRAP 26(b)

in the above - entitled cause be enlarged from (Date) 11/2/15 to 1/2/16 in

support of this Motion respectfully shows that - (Reason(s)) due to Institutional /

Convenience, lack downs, AND Shortage
of staff, & patiently waiting for paper work /
financial certificate to come SAC, AND NO regular
Access to legal library.

and this Motion is filed within the time allotted before the named (Person) have to answer / and or,

Respond.

Dated: This 2nd Day of NOVEMBER, 2015

By: CEDRIC JACKSON
#1130512
Petitioner, In Forma Pauperis

1 THE ISSUE ARE Kind of Complex only
2 BECAUSE I'm JUST NOW RECEIVING
3 DISCOVERY. DUE TO THE LACK OF TIME
4 THIS LAST MONTH IN A HALF, FOR
5 LEGAL STUDY & RESEARCH, THE PRISON
6 HAS BEEN ON A BUMPY RIDE, FROM
7 INSTITUTIONAL LOCK DOWNS TO JUST
8 CANCELLING LEGAL STUDY'S, I'M RECEIVING
9 MY DISCOVERY MATERIALS AS WE SPEAK
10 I HAVE NO ATTORNEY OF RECORD, I AM
11 IGNORANT TO THE LAW, I DON'T KNOW HOW
12 TO READ NOR UNDERSTAND IT, SO I BEG
13 OF THE COURTS AND YOUR HONOR (JUDGE)
14 TO GRANT THIS MOTION IN LIGHT OF THE
15 UNIDENTICAL CIRCUMSTANCE THAT HAS PUT
16 A WRENCH ON THIS PROCESS THESE ARE
17 SOME OF THE ISSUES I AM PRESENTING
18 FOR CHALLENGE

19
20 INEFFECTIVE ASSISTANCE OF COUNSEL -
21 BORDERLINE STRADDLE OF MAL PRACTICE,
22 AND OUR RELATIONSHIP WAS PLUTONIC, I
23 WAS FORCED INTO TAKING A DEAL IN WHICH
24 I WAS MIS LED.

25 PROOF WITH EXHIBITS
26
27

1 ALSO S.D.C.C. Incoming legal
2 mail log, Shows ATT T.Y AND
3 Out going legal mail/Activity.
4 That will more properly be used
5 AS A Guide Show how I Couldn't
6 meet the Deadline to fully and
7 properly look, evaluate, AND Read
8 to get A full understanding of
9 the Court proceedings AND
10 PROCESS. THAT IS WHY I FULLY
11 ASK the Court for their
12 understanding IN the ~~the~~
13 Sensitive matter, At HAND
14 AND Grant this Motion FOR
15 ENLARGEMENT OF TIME FRCP 6(b)/
16 FRAP 26(b)
17 IN WHICH TO Begin my legal
18 RESEARCH for this
19 'Notice of Motion'

20
21 (Motions For Modification of Sentence)
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CERTIFICATE OF SERVICE

I, CEDRIC JACKSON, hereby certify that I am the
Petitioner in this matter and I am representing myself *in propria persona*.

On this 2nd day of NOV., 2015, I served copies of
the Motion for enlargement of Time for
Notice of Motion (Motions for Modification of sentence)

in Case No. C255 339, and placed said document(s) in the United States
Mail, first-class postage prepaid, addressed as follows:

Clerk of the Court
200 Lewis Avenue
LAS VEGAS, NV.
89135

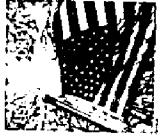
DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the Petitioner in the
above-entitled action, and he has read this Certificate of Service and the information
contained therein is true and correct.

Executed pursuant to 28 U.S.C. § 1746 and 18 U.S.C. § 1621 at
S.D.C.C.
NOVEMBER, 2015 on this 2nd day of

CEDRIC JACKSON
CEDRIC JACKSON MCCC No 1130572
Petitioner - *In Propria Persona*

Cedric Jackson #1130512
PO Box 206
SIDCC
Indian Springs, Nevada
89070

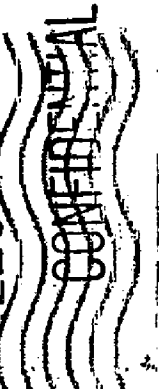


891016300000

Clerk of the Court
200 Lewis Avenue
Las Vegas, Nevada
89101

LAS VEGAS, NV 890
03 DEC 2015 PM 3 L

"LEGAL MAIL"




CLERK OF THE COURT

ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
J. PATRICK BURNS
Deputy District Attorney
Nevada Bar #011779
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CEDRIC LEROB JACKSON,
#1581340

Defendant.

CASE NO: 10C265339-1

DEPT NO: X

ORDER DENYING DEFENDANT'S PRO PER MOTION
FOR ENLARGEMENT OF TIME, FRCP 6(A) / FRAP 26 (B)

DATE OF HEARING: JANUARY 4, 2016
TIME OF HEARING: 8:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 4th day of January, 2016, the Defendant not being present, REPRESENTED BY DAN M. WINDER, Esq., the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through J. PATRICK BURNS, Deputy District Attorney, without argument, based on the pleadings and good cause appearing therefor,

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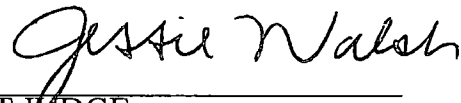
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1 IT IS HEREBY ORDERED that the Defendant's Pro Per Motion for Enlargement of
2 Time, FRCP 6(a) / FRAP 26 (b), shall be, and it is DENIED.

3 DATED this _____ day of January, 2016.

4 

5 _____
DISTRICT JUDGE

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

9 BY

 Fa
10 J. PATRICK BURNS
11 Deputy District Attorney
12 Nevada Bar #011779
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1 CERTIFICATE OF SERVICE

2 I certify that on the 15th day of January, 2016, I mailed a copy of the foregoing Order

3 to:

4 CEDRIC LEROB JACKSON #1130512
5 SOUTHERN DESERT CORRECTIONAL CENTER
6 P.O. BOX 208
7 INDIAN SPRINGS, NEVADA 89070-0208

8 DAN WINDER, Esq.
9 winderdanatty@aol.com
10 3507 W. CHARLESTON BLVD.
11 LAS VEGAS, NV 89102

12 BY

13 
14 R. JOHNSON

15 Secretary for the District Attorney's Office
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28 rj/M-1

Ann L. Quinn
CLERK OF THE COURT

Cedrick Jackson #1130512
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070

IN THE EIGHTH JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF CLARK

THE STATE OF NEVADA.

Plaintiff,

vs.

CEDRICK JACKSON

Defendant,

Case No. 10 CR 65339-1

Dept. No. _____

Docket _____

MOTION TO WITHDRAW COUNSEL

Date of Hearing: 07-13-2016

Time of Hearing: 8:30AM

'ORAL ARGUMENT REQUESTED, Yes ☒ No ☐

COMES NOW, Defendant, Cedrick Jackson, 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,

Dan Winder, Patrice Palmer

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 4 day of June, 2016.

BY: Cedrick Jackson
CEDRICK JACKSON # 1130512
Defendant/In Propria Personam

RECEIVED

JUN 16 2016

CLERK OF THE COURT

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, 11C26S337-L in Department No. _____.

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 9 day of June, 2016

12

13

BY: Cedric Jackson
Cedric Jackson #1130512
Defendant/In Propria Personam

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AFFIDAVIT OF: CEDRIC JACKSON

STATE OF NEVADA)
COUNTY OF CLARK) ss:

TO WHOM IT MAY CONCERN:

I, Cedric Jackson 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:

Q1) That it is apparently clear from The Face of my arguments that my attorneys could Not be deemed anything except "Ineffective."

This because they were ineffective on a Fundamental Level. As they never even challenged the validity of my Charging document or the validity of the Reported charges brought against me. Which were all INVALID.

For these Reasons I would like to Withdraw Counsel.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

EXECUTED At: Indian Springs, Nevada, this 4 Day of June

2016.

BY: Cedric Jackson
Cedric Jackson 41130572
Post Office Box-208 (SDCC)
Indian Springs, Nevada 89070
Affiant, In Propria Personam:

CERTIFICATE OF SERVICE BY MAILING

I, Cedric Jackson, hereby certify, pursuant to NRCP 5(b), that on this 4
day of June, 2016, 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:

DISTRICT COURT
200 Lewis Ave.
Las Vegas, NV 89155

DISTRICT ATTORNEY'S OFFICE
200 Lewis Ave.
Las Vegas, NV 89155

CC:FILE

DATED: this 4 day of June, 2016.

Cedric Jackson
CEDRIC JACKSON # 1130512
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

Alvin D. Lamm

CLERK OF THE COURT

mc
DA
PP
AOR-
D: Winder

1 CEDRIC JACKSON #1130512
2 Defendant / In Propria Personam
3 SDC, Post Office Box-208
4 Indian Springs, Nevada 89070-0208.

DISTRICT COURT

CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

Plaintiff,

8 Vs.

9 CEDRIC JACKSON,

10 Defendant.

Case No. # 10C265337-1

Dept. No. # _____

Docket No. # _____

13 MOTION TO APPOINT COUNSEL

14 Date Of Hearing: 07-13-2016

15 Time Of Hearing: 8:30AM

17 COMES NOW the Defendant Cedric Jackson in proper person and
18 hereby moves this Honorable Court for an ORDER granting him Counsel in the herein
19 proceeding action.

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

22 Dated: This 4 Day Of June, 2016

Respectfully Submitted,

BY:

Cedric Jackson
Cedric Jackson #1130512
Defendant, In Forma Pauperis:

RECEIVED

JUN 16 2016

CLERK OF THE COURT

RECEIVED
JUN 22 2016

CLERK OF THE COURT

POINTS AND AUTHORITIES

NRS.34.750 Appointment of Counsel for indigents;pleading supplemental to
petition;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 4 Day Of June ,20/6.

Respectfully Submitted,

BY:

Cedric J. Jones #1180512
Defendant, In Forma Pauperis:

////

////

////

ADDITIONAL FACTS OF THE CASE:

1 Do to the complexities of my arguments involved in my
2 Motion To Reduce or Set aside an Illegal Sentence. Appointment
3 of Counsel To address these specific issues is warranted.
4 Appointment of Counsel will address, and assist Defendant, this
5 Court and all parties involved in reaching a resolution in this
6 case.

7
8 Therefore this Defendant prays that this Court Grant
9 this Motion.

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22 DATE: 6/4/16

23 *Cedric Jackson*
24 CEDRIC JACKSON # 1180512
25 Defendant
26
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CERTIFICATE OF SERVICE BY MAILING

I, Cedric Jackson, hereby certify, pursuant to NRCP 5(b), that on this 4
day of June, 2016, 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:

District Court
200 Lewis Ave
Las Vegas, NV 89055

District Attorney
200 Lewis Ave
Las Vegas, NV 89055

CC:FILE

DATED: this 4 day of June, 2016.

Cedric Jackson
CEDRIC JACKSON #0130512
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

Alvin D. Lamm

CLERK OF THE COURT

mc
DA
PP
ROL-
D. Wind

1 Cedric Jackson #1130512
/ In Propria Personam
2 Post Office Box 208 S.D.C.C.
3 Indian Springs, Nevada 89018.

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8 THE STATE OF NEVADA and
9 BRIAN WILLIAMS, Respondents

10 VS.

11 CEDRIC JACKSON

12 Defendant

Case No. 10C265339-1

Dept No. _____

Docket _____

13
14 NOTICE OF MOTION

15 YOU WILL PLEASE TAKE NOTICE, that Cedric Jackson

16
17 will come on for hearing before the above-entitled Court on the 13 day of July, 2016,
18 at the hour of 8:30 o'clock AM. In Department 10 of said Court.

19
20 CC:FILE

21
22 DATED: this 7 day of June, 2016.

23
24 BY: Cedric Jackson

Cedric Jackson

#1130512

In Propria Personam

RECEIVED

JUN 22 2016

CLERK OF THE COURT

Alvin D. Blum

CLERK OF THE COURT

mc
OA
PP
ROR-
D. Winder

1 CEDRIC JACKSON #1130512
2 Defendant/ In Propria Person
3 Post Office Box 203
4 Indian Springs, Nevada 89070

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

7
8 The State of Nevada
9 Plaintiff,

10 VS

Case No. 10CA65339-1

11 CEDRIC JACKSON
12 Defendant,

Dept NO. _____

13
14 *EVIDENTIARY HEARING REQUESTED*

15 MOTION TO MODIFY AND/OR CORRECT BY SETTING

16 ~~ASIDE~~ ILLEGAL SENTENCE.

17 Based Upon Lack Of Subject-Matter Jurisdiction.

18 Date of hearing :

07-13-2016

19 Time of hearing :

8:30AM

20 COMES NOW, DEFENDENT, Cedric Jackson, proceeding
21 in proper person, hereby motion this Honorable Court
22 pursuant to N.R.S 176.555 and Edwards v. state.

23 This motion is made in based upon all papers and pleadings
24 on file, the points and authorities and exhibits attached
25 here to. Due Defendants indigent status he request a copy of this
26 Motion and all attached.

27 RECEIVED
28 Dated, this 4 day of June, 2016.

JUN 16 2016

CLERK OF THE COURT

Cedric Jackson
Cedric Jackson #1130512
DEPENDENT/

RECEIVED

JUN 22 2016

CLERK OF THE COURT

POINTS AND AUTHORITIES

"Motion to modify sentence" is limited in scope to sentences based on mistaken assumptions about defendant's criminal record which work to defendant's extreme detriment, while "Motion to correct illegal sentence" addresses only facial legality of sentence. State v. District Court, 100 Nev. 90, 97, 677 p.2d 1044 1048 (1984), and Edwards v. State, 918 p.2d 321 (Nev. 1996).

Further N.R.S 176.555 Motion to Modify and/or Correct a sentence, may be filed at any time.

Defendant herein alleges that his sentence should be modified and/or corrected pursuant to the following facts.

The defendant contends that his sentence should be modified and/or corrected or vacated primarily because "this Court lacks and lacked Subject-Matter Jurisdiction to even try his case and to render a judgment against him, and (2) Because his Weapon Enhancements are illegal. That they are facially illegal.

The Defendant asks this Court to consider his claims individually. The defendant contends that The N.R.S.' used in the INFORMATION (Charging Document), namely NRS.' 200.010; 200.030; 193.165; 193.330; 200.101, were all invalid STATUTES at the time and on the date that the INFORMATION was brought against him by the State, which makes these statutes non-charges, non-crimes that constitutionally fail, which makes them non-constitutional. Thereby making his sentences/convictions facially illegal. Therefore they must be Vacated as a matter of law.

1.(a) GROUND 1: "LACK OF SUBJECT-MATTER JURISDICTION", pursuant To Nev. Const. Art. 4 Section 2; Art. 4, Section 23; 21 C.J.S. "COURTS", section 78, p. 25; 22 C.J.S. "CRIMINAL LAW", Section 167 p. 202; 22 C.J.S. "CRIMINAL LAW", section 157 p. 184, and 5TH, 6TH, 8TH and 14TH Amendment OF U.S. Constitution.

1.(a) SUPPORTING FACTS: The Defendant contends that The 8TH Judicial District Court, Clark County Nevada - Lacked and still lacks Subject-Matter Jurisdiction to try this case, case no. 10C065339-1, Dept- X, for the non-charges of 2ND Degree Murder With Use Of A Deadly Weapon, NRS' 200.010; 200.030; 193.165; 193.330; 200.030. This because THE STATE failed to ever charge him of a crime, which is made apparent from the FACES of (1) The NRS. STATUTE BOOK and (2) from THE FACE OF THE "INFORMATION" document used to bring these NON-Constitutional ~~non~~-charges against the Defendant. This because there are no titles, bills, enacting clause, nor are/is there the language on the face of the INFORMATION ~~or~~ the NRS. BOOK Under the STATUTES listed in the INFORMATION that is absolutely mandated by The Nevada Constitution. See Exhibit "A" for Information. See attached Memorandum's for detailed explanation.

That the most basic elements of his argument is that The "INFORMATION" attached hereto is The "Charging Document" used by the STATE to bring these non-charges upon Defendant/ Accused. This was a failed attempt by the state to bring on to give this Court Subject-Matter Jurisdiction. But instead the INFORMATION in this case actually Negates this Court of Subject-Matter Jurisdiction, which is a prerequisite to possess the authority to try a case FOR without such authority, this

Court ~~lacks~~ the authority to Render any Verdict in the case,
save a verdict dismissing the entire case and releasing the
captive from custody.

"Law in the sense in which courts speak of it
Today, does not exist without some definite
Authority behind it." Black and White Taxi Transfer Co.
V. Brown and Yellow Taxi Transfer Co., 276 U.S. 518,
583 (1927)

The defendant attests that it is clear from the FACE of
The INFORMATION that, "There is NO Title, (2) NO Bill, ~~23~~ NO
Enacting Clause and (4) NO Constitutional Authority, which entitles
him to Relief.

Instead this charging document only states;
"In The Name and by The Authority OF The State Of Nevada,
Informs the Court that _____, having committed the crimes -
Exhibit " "

So the Defendant not only contends that, Not only is there no
Title, bill and enacting clause in the NRS' Book for NRS. used in
him information, which invalids these NRS' listed in the INFORMATION,
But there is also no title, bill, enacting clause or constitutionally
mandated language that grants the authority of Law which would
grant this Court Subject Matter Jurisdiction.

That specifically, there is no statement that reads:

"The People of The State of Nevada, Represented In Senate and Assembly, Do Enact as follows . . . , which is a MANDATORY Requirement as stated by The Nevada Supreme Court. IN STATE OF NEVADA V. ROGERS, and PEOPLE V. DELTENTHALER, 77 N.W. 459, 452, 118 Mich. 585 (1898)

"A PROVISION IN A STATE CONSTITUTION REGARDING AN Enacting Clause In a Statute IS MANDATORY and that The Omission thereof Renders The Statute Void." CAINE V. ROBBINS, 61 Nev. 416; 131 p.2d 516 (Nev. Supreme Court 1942)

"That Section 23 provided that the enacting clause OF every law had to state: 'The People of The State of Nevada, Represented In The Senate and Assembly, do enact as follows.' The act challenged omitted only the words, 'Senate and'. The Court denied the Writ, finding that Section 23 was a Mandatory provision. The Court held that where The enacting words were prescribed, it was mandatory they be included in The act. Without the words required by the Constitution, and Without the concurrence of the senate, The People had no Power to Enact Law." STATE V. ROGERS, 10 Nev. 250 (Nev. Supreme Court 1875).

So the NON-crimes and STATUTES quoted are listed in the Defendant/Accused INFORMATION has no sign of authority in either STATUTES BOOK OR INFORMATION ON their "FACG", which would be the only "Official declaration OF authority and authenticity."

"A publication of a STATUTE BOOK without the Title and Enacting Clause on the Laws therein is an incomplete or invalid publication, Just like a publication of a book or Magazine article is incomplete Without the title and authors name, it is Just a nameless body of words." Ruling Case Law, Vol. 25, "STATUTES", Section 133, p. 884, citing L.R.A. 1915 B, p. 1065.

"An inmate was released because STATUTES HAD NO ENACTING CLAUSE as demanded by the Constitution." STATE V. PATTERSON, U.S.G. 850, 352, 98 NC. 660 (1927)

"Jurisdiction over the Subject-Matter of action is Essential To power of Court to Act, and is conferred to power of Court to Act, and is conferred ONLY by Constitution or by Valid STATUTES." BROWN V. STATE, 37 N.C. 2d 73, 77 (Ind. 1941)

"If a criminal statute is unconstitutional, the court LACKS Subject-Matter Jurisdiction and CANNOT proceed To Try the case." 22 Corpus Juris Secundum, "Criminal Law", Section 187 p. 189, citing People V. Katrinak, 185 Cal. Rptr. 869, 136 Cal. App. 3d 145 (1983)

"If these statutes are unconstitutional, the law is void And an offense created by them is NOT a CRIME and a conviction under them, CANNOT BE A LEGAL CAUSE OF IMPRISONMENT. For NO court can acquire Jurisdiction To try a person for acts which are made criminal only by an unconstitutional Law." Kelly V. Meyers, 263 p. 903, 908

(ore 1928)

"An invalid, Unconstitutional or non-existent statute also affects the validity of the charging document, that is, the information. If these documents are void or fatally defective, there is no subject-matter jurisdiction since they are the basis of the courts jurisdiction.

"When a criminal defendant is indicted by information under a not yet effective statute, the charging document is void." STATE V. Dungan, 718 p.2d 1010, 1019, 149 N.W.2d 357 (1985)

"Jurisdiction is brought to the court by way of a complaint, information, or indictment. If these instruments fail to charge a crime, there can be no subject-matter jurisdiction.

The allegations in the indictment or information determines the jurisdiction of the court." Ex parte Waddock, 286 Pac. 765, 766 (Okla. 1930)

"Where an information charges no crime, the court lacks jurisdiction to try the accused and a motion to quash information or charges is always timely." People v. Hardiman, 347 N.W.2d 466, 462, 132 Mich. App. 387 (1984); 22 Corpus Juris Secundum "Criminal Law", section 157, p 189; People v. McCarty, 445 N.E.2d 299, 44 Ill.2d 28

"Without a formal and sufficient indictment or information, a court does not acquire subject-matter jurisdiction and thus an accused may not be punished for a crime!" Honovich v. State, 333 N.W.2d 777, 798 (S.D. 1988).

and lastly,

"Lack of jurisdiction and the improper exercise of jurisdiction are vitally different concepts. Where the court is without jurisdiction it has no authority to render any judgment other than one of dismissal." Garcia v. Diaz, 596 S.W.2d 524, 528 (Tex. Cr. App. 1980).

see 1st Memorandum of Points and Authorities

So all of Defendants/Accused convictions in this case are facially illegal and therefore they must be vacated as a matter of law.

II. THE NATURE OF SUBJECT MATTER JURISDICTION

The Jurisdiction of a court over the subject matter has been said to be essential, necessary, indispensable and an elementary prerequisite to the exercise of judicial power. 22 C.J.S., "Courts," Section 18, p. 25. A court CANNOT proceed with a trial or make a judgment without such jurisdiction existing.

It is elementary that the jurisdiction of the Court over the subject matter of the action is the most critical aspect of the court's authority to act. Without it the court lacks any power to proceed; therefore, a defense based upon this lack cannot be waived and may be asserted at any time. Matter of Green, 313 S.E.2d 193 (N.C. App. 1984).

Subject matter jurisdiction cannot be conferred by waiver or consent, and may be raised at any time. Rodriguez V. State, 441 So.2d 1129 (Fla. App. 1983). The subject matter jurisdiction of a criminal case is related to the cause of action in general, and more specifically to the alleged crime or offense which creates the action.

The subject-matter of a criminal offense is the CRIME ITSELF. Subject-matter in its broadest sense means the cause; the object; the thing in dispute. Stillwell V. Markham, 10 P.2d 15, 16 135 Kan. 206 (1932)

An indictment or complaint in a criminal case is the main means by which a court obtains subject matter jurisdiction, and is the jurisdictional instrument upon which the accused stands trial. State V. Chatmon, 671 P.2d 531, 538 (Kan. 1983). The complaint is the foundation of the jurisdiction of the magistrate or court. Thus if these charging instruments are invalid, there is a lack of subject matter jurisdiction.

Without a formal and sufficient indictment or information, a court does not acquire subject matter jurisdiction and thus an accused may NOT BE PUNISHED FOR A CRIME. Honmicht V. State, 333 N.W.2d 797, 798 (S.D. 1983)

A formal accusation is essential for every trial of a crime. Without it the court ACQUIRES NO JURISDICTION TO PROCEED, even with the consent of the parties, and where the indictment or information is invalid the court is without jurisdiction. Ex parte Carlson, 186 N.W. 722, 725, 176 Wis. 538 (1922).

Without a valid complaint any judgment or sentence rendered is "Void ab initio" Ralph V. Police Court of El Cerrito, 190 P.2d 632, 634, 84 Cal. App.2d 257 (1948)

Jurisdiction to try and punish for a crime cannot be acquired by the mere assertion of it, or invoked otherwise than in the mode PRESCRIBED BY LAW, and if it is not so acquired or invoked any judgment is a NULLITY. 22 C.J.S. "Criminal Law," Section 167, p. 202



The charging instrument must not only be in the particular mode or form prescribed by the Constitution and Statute to be valid, but it also must contain REFERENCE TO VALID LAWS. Without a valid law, the charging instrument is INSUFFICIENT and NO SUBJECT MATTER JURISDICTION EXISTS FOR THE MATTER TO BE TRIED.

Where an INFORMATION charges NO crime, the court lacks jurisdiction to try the accused. People v. Hardiman, 347 N.W.2d 460, 462, 132 Mich. App. 382 (1984)

Whether or not the complaint charges an offense is a jurisdictional matter. Ex parte Carlson, 186 N.W. 722, 725, 176 Wis. 538 (1922).

An invalid law charged against one in a criminal matter also negates subject matter jurisdiction by the sheer fact that it fails to create a cause of action. "Subject matter is the thing in controversy." Holmes v. Mason, 115 N.W. 770, 80 Neb. 454, citing Black's Law Dictionary. Without a valid law, there is no issue or controversy for a court to decide upon. Thus, where a law does not exist or does NOT constitutionally EXIST, or where the law is invalid, void or unconstitutional, there is no subject matter jurisdiction to try one for an offense alleged under such a law.

If a criminal statute is unconstitutional, the court lacks subject-matter jurisdiction and CANNOT proceed to try the case. 22 C.J.S. "CRIMINAL LAW," Section 157, p. 189, citing People v. Katrinak, 185 Cal. Rptr. 869, 136 Cal. App. 3d 145 (1982).

Where the offense charged does not exist, the trial court lacks jurisdiction. State v. Christensen, 329 N.W.2d 383, 110 Wis.2d 538 (1982).

Not all statute create a criminal offense. Thus where a man was charged with "a statute which does not create a criminal offense," such a person was never LEGALLY CHARGED with any crime or lawfully convicted. because The Trial Court DID NOT HAVE "JURISDICTION OF THE SUBJECT MATTER." State ex rel. Hansen v. Rigg, 258 Minn. 388, 104 N.W.2d 553 (1960). There MUST be a valid law in order for subject matter to exist.

In a case where a man was convicted of violating certain sections of some laws, he later claimed that the laws were unconstitutional which deprived the county court of jurisdiction to try him for those offenses. The Supreme Court of Oregon held:

"IF these sections are unconstitutional, THE LAW IS VOID and an offense created by them IS NOT A CRIME and a conviction under them CANNOT BE A LEGAL CAUSE OF IMPRISONMENT, For NO Court can acquire jurisdiction to try a person for acts which are made criminal ONLY by an unconstitutional law." Kelly v. Meyers, 263 Pac. 903, 905 (Ore. 1928).

Without a valid law there can be no crime charged under that law, and where there is no crime or offense there is ~~no~~ controversy or cause of action, and without a cause of action there can be no subject matter jurisdiction to try a person accused of violating said law. The Court then has no power or right to hear and decide a particular case involving such invalid or nonexistent laws.

These authorities and others make it clear that if there are no valid laws charged against a person, there is nothing that can be deemed a crime, and without a crime there is no subject matter jurisdiction. Further, invalid or unlawful laws make the complaint fatally defective and insufficient, and without a valid complaint there is a lack of subject matter jurisdiction.

The Accused asserts that the laws charged against him are not valid, or do not constitutionally exist as they do not conform to certain Constitutional prerequisites, and thus are no laws at all, which prevents subject matter jurisdiction to the above-named court.

The complaints in question allege that the Accused has committed several crimes by the violation of certain laws which are listed in said complaints, to wit:

NRS (Nevada Revised Statute) 200.010; NRS. 200.030;

NRS. 193.165; NRS. 193.330;

NRS. 200.101.

III. LEGAL ARGUMENT

I have been informed that these laws or statutes used in the complaints/
INFORMATION/PLEA AGREEMENT/JUDGMENT OF CONVICTION against the PERSON/ME
(The Accused/Convicted prisoner) are located in and derived from a collection
of books entitled, "The Nevada Revised Statutes (NRS)". Upon looking up
these laws in this publication, I realized that they do not adhere to several
Constitutional provisions of the Constitution of The State of Nevada.

By Article 4, Section 1 of The Constitution of The State of Nevada
(1864), ALL lawmaking authority for The State is vested in the Legislature of the
State of Nevada.

Article 4, Section 1:

Legislative Power Vested in Senate and Assembly

The Legislative authority of this State SHALL be vested in a Senate
And Assembly which SHALL be designated "The Legislature of The State -

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Of Nevada" and the sessions of such Legislature shall be held at the seat of government of the state.

This Article also prescribes certain forms, modes and procedures that MUST be followed in order for a VALID LAW TO EXIST UNDER THE CONSTITUTION. It is fundamental that NOTHING can be a law that is not enacted by the Legislature prescribed in the Constitution, and which fails to conform to constitutional forms, prerequisites or prohibitions. These are the grounds for challenging the Subject Matter Jurisdiction of this court, since the validity of a law on a Complaint or indictment goes to the jurisdiction of a court. The following explains in AUTHORITY DETAIL - WHY - the laws cited in the complaints/INFORMATION/ PLEA AGREEMENT/JUDGMENT OF CONVICTION against the Accused are NOT Constitutionally Valid laws.

IV. BY CONSTITUTIONAL MANDATE ALL LAWS MUST

HAVE AN ENACTING CLAUSE.

All laws are required to follow the constitution of the state of Nevada (1864). The foundation for the court's subject matter jurisdiction is the enactment clause placed on ~~each statute~~ each statute as the heading of the statute. According to Article 4, Section 23 it reads:

QUOTE: "Sec. 23. Enacting clause; law to be enacted by bill. The Enacting clause of every law shall be as follows: "The people of the State of Nevada represented in Senate and Assembly, Do enact as follows," and NO LAW SHALL BE ENACTED EXCEPT By bill" End quote.

NONE of the laws cited in the complaints against the Accused, as found in the "Nevada Revised Statutes", 2002 — 2016, contain any enacting clause as required by Article 4, Section 23 of the Constitution of the State of Nevada.

The constitutional provision which prescribes an enacting clause for all laws is. Not directory, but is MANDATORY! This provision is to be strictly adhered to as Assented by the constitution of the state of Nevada.

Article 4, Section 23, provides that "The enacting clause of every law shall be as follows, and NO LAW SHALL BE ENACTED EXCEPT BY BILL".

This is mandatory, and that a statute without any enacting clause is void.

V. WHAT IS THE PURPOSE OF THE CONSTITUTIONAL PROVISION FOR AN ENACTING CLAUSE?

To determine the validity of using laws without an enacting clause against citizens or non-resident citizens, we need to determine the purpose and function of an enacting clause; and also to see what problems or evils were intended to be avoided by including such a provision in the Constitution of the State of Nevada. One object of the Constitutional mandate for an enacting clause is to show that the law is one enacted by the legislative body which has been given the lawmaking authority under the Constitution.

The purpose of thus prescribing an enacting clause — "the style of the acts" — is to establish it; to give it permanence, uniformity, and certainty; to identify the Act of legislation as of the general assembly; to afford evidence of its legislative statutory nature; and to secure uniformity of identification, and thus prevent misapprehension, possibly mistake and fraud. State v. Patterson, 4 S.E. 359, 381, 98 N.C. 660 (1887); 82 C.J.S. "Statutes", Section 65, p. 104; Joiner v. State, 155 S.E. 2d 8, 10, 223 Ga. 367 (1967).

What is the object of the style of a bill or enacting clause anyway? It is, to show the Authority by which the bill is enacted into law; to show that the act comes from a place pointed out by the Constitution as the source of legislation. Ferrill v. Keel, 151 S.W. 269, 272, 105 Ark. 320 (1912).

To fulfill the purpose of identifying the lawmaking authority of a law, it has been repeatedly declared by the courts of this land that an enacting clause is to appear on the face of every law which the people are expected to follow and obey.

The almost unbroken custom of centuries has been to preface laws with a statement in some form declaring the enacting authority. The purpose of an enacting clause of a statute is to identify it as an act of legislation by expressing on its face the authority behind the act. 73 Am. Jur. 2d, "Statutes", Section 93, p. 319, 320; Preckel v. Byrne, 243 N.W. 823, 826, 62 N.D. 356 (1933).

For an enacting clause to appear on the face of a law, it must be recited or published with the law so that the public can readily identify the authority for that particular law which they are expected to follow. The "statutes" used in the complaints against the Accused have no enacting clauses. They thus cannot be identified as acts of legislation of the State of Nevada pursuant to its lawmaking authority under Article 4, Section 23 of the Constitution of the State of Nevada (1964), since a law is mainly identified as a true and constitutional law by way of its enacting clause, even though their state constitution had no provision for the measure. The Court stated that an enacting clause establishes a law or statute as being a true and authentic law of the state:

The enacting clause is that portion of a statute which gives it jurisdictional identity and constitutional authenticity. Joiner v. State, 155 S.E. 2d 8, 10 (Ga. 1967).

The failure of a law to display on its face an enacting clause deprives it of essential legality and renders a statute which omits such clause as "a NULLITY and of NO FORCE or LAW". Joiner v. State, supra. The Statutes cited in the complaints have NO JURISDICTIONAL IDENTITY and are NOT Authentic Laws under the Constitution of The State of Nevada.

The Court of Appeals of Kentucky held that the constitutional provision requiring an enacting clause is a basic concept which has a direct affect upon the validity of a law. The court, in dealing with a law that had contained no Enacting clause, stated:

The alleged act or law in question is UNNAMED: it shows no sign of Authority: it carries with it no evidence that the General Assembly or any other law-making power is responsible or answerable for it. By an enacting clause, the makers of the Constitution intended that the General Assembly should make its impress or Seal, as it were, upon each enacting for the sake of Identity, and to assume and show Responsibility. While the Constitution makes this a necessary, it did not originate it. The custom is in use practically everywhere, and is as old as parliamentary Government, as old as King's decrees, and even they borrowed it. The decrees of Cyrus, King of Persia, which Holy Writ records, were not the first to be prefaced with a Statement of Authority. The law was delivered to Moses in the Name of The Great I AM, and the pedigree to the Great Commandments is no less majestic and impelling. But, whether ~~these~~ these edicts and commands be promulgated by the Supreme Ruler or by petty Kings, or by the sovereign people themselves, they have always begun with some such form as a evidence of power and authority. Commonwealth v. Illinois Cent. R. Co., 170 S.W. 171, 172, 175, 160 Ky. 745 (1914)

The "laws" used against the Accused are unnamed. They show no sign of authority on their face as recorded in the "The Nevada Revised Statutes (NRS)". They carry with them no evidence that the Legislature of the State of Nevada, pursuant to Article 4, Section 23 of the Constitution of the State of Nevada (1864), is responsible for these laws. Without an enacting clause the laws referenced to in the complaint/Information/Plea Agreement/Judgment of Conviction have NO official evidence that they are from an authority which I am subject to OR Required to obey.

When the question of the "objects intended to be secured by the enacting clause provision" was before the Supreme Court of Minnesota, the Court held that such a clause was necessary to show the people who are to obey the law, the authority for their obedience. It was revealed that historically this was a main use for an Enacting clause, and thus its use is a fundamental concept of law. The Court stated:

All written laws, in all times and in all countries, whether in the form of decrees issued by absolute monarchs, or statutes enacted by King and Council, or by a representative body, have, as a rule, expressed upon their face the authority by which they were promulgated or enacted. The almost unbroken custom of centuries has been to preface laws with a statement in some form declaring the enacting authority. If such an enacting clause is a mere matter of form, a relic of antiquity, serving no useful...

-purpose, why should the constitutions of so many of our states require that All laws must have an enacting clause, and prescribe its form. If an Enacting clause is useful and important, it is desirable that laws shall bear upon their face the authority by which they are enacted so that the people who are to obey them need not search legislative and other records to ascertain the authority; then it is not beneath the dignity of the framers of a Constitution, or unworthy of such an instrument, to prescribe a uniform style for such enacting clause.

The words of the Constitution that the style of all laws of this state shall be, "Be it enacted by the legislature of the state of Minnesota," imply that all laws must be so expressed or declared, to the end that they may express upon their face the authority by which they were enacted: and, if they do not so declare, they are not laws of this state. Sjoberg V. Security Savings and Loan Assn., 73 Minn. 203, 212-214 (1898).

This case was initiated when it was discovered that the law relating to "Building, loan and savings associations," had no enacting clause as it was printing in the statute book, "Laws 1897, c. 250." The Court made it clear that a law existing in that manner is "void" Sjoberg, supra, p. 214.

The purported laws in the complaints/Plea Agreement/Information, which the Accused and convicted petitioner is said to have violated, are referenced to various laws found in printed in the "The Nevada Revised Statutes (NRS)" book. I have looked up the laws charged against me in this book and found no Enacting clause for any of these laws. A citizen is not expected or required to search through other records or books for the enacting authority. If such Enacting authority is not, "on the face" of the laws which are referenced in a complaint/Plea Agreement/Information/Judgment of conviction, then "They are not laws of this state," and thus are not laws that to which I am subject. Since they are not laws in this state, the above named Court has no Subject Matter Jurisdiction, as there can be no crime which can exist from failing to follow laws which do not constitutionally exist.

In speaking on the necessity and purpose that each law be pre-faced with an enacting clause, the Supreme Court of Tennessee quoted the first portion of the Sjoberg case cited above, and then stated:

"The purpose of provisions of this character is that all statutes may bear upon their face a declaration of sovereign authority by which they are enacted and declared to be the law, and to promote and preserve uniformity in legislation. Such clauses also import a command of obedience and clothe the statute with a certain dignity, believed in all times to command respect and aid in the enforcement of laws." State v. Burrow, 104 S.W. 522, 524, 119 Tenn. 376 (1907).

The use of an enacting clause does not merely serve as a "flag" under which bills run the course through the legislative machinery. Vaughn & Regsdale Co. v. State Bd. of Ed., 96 P.2d 420, 424 (Mont. 1939). The enacting clause of a law goes to its substance, and is not merely procedural. Morgan v. Murray, 328 P.2d 644, 654 (Mont. 1958).

Any purported statute which has no enacting clause on its face, is not legally binding and obligatory upon the people, as it is not constitutionally a law at all. The Supreme Court of Michigan, in citing numerous authorities, said that an enacting clause was a requisite to a valid law since the enacting provision was mandatory:

"It is necessary that every law should show on its face the authority by which it is adopted and promulgated, and that it should clearly appear that it is intended by the legislative power that enacts it that it should take effect as a law." People v. Dettenthaler, 11 N.W. 450, 451, 118 Mich. 585 (1898), citing Swann v. Buck, 40 Miss. 270.

The laws in the "The Nevada Revised Statutes (NRS)" do not show on their face the authority by which they are adopted and promulgated. There is nothing on their ~~face~~ which declares they should be law, or that they are of the proper legislative authority in this state.

These and other authorities then all hold that the enacting clause of a law is to be "on its face". It must appear directly above the content or body of the law. To be on the face of the law does not and cannot mean that the enacting clause can be buried away in some other volume or some other book or records.

FACE. The surface of anything, especially the front, upper, or outer part of the surface. That which particularly offers itself to the view of a spectator. That which is shown by the language employed, without any explanation, modification, or addition from extrinsic facts or evidence. Black's Law Dictionary, 5th ed., p. 530.

The enacting clause must be intrinsic to the law, and not "extrinsic" to it. That is, it cannot be hidden away in other records or books. Thus the enacting clause is regarded as part of the law, and has to appear directly with the law on its face, so that one charged with said law knows the authority by which it exists.

VI. LAWS MUST BE PUBLISHED AND RECORDED WITH ENACTING CLAUSE

Since it has been repeatedly held that an enacting clause must appear "on the face" of a law, such a requirement affects the printing and publishing of laws. The fact that the Constitution requires "all laws" to have an enacting clause makes it a requirement on not just bills within the legislature, but on published laws as well. If the Constitution said "all bills" shall have an enacting clause, it probably could be said that there will

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In publications would not be required But the historical usage and Application of an enacting clause has been for them to be printed and published along with the body of the law, thus appearing "on the Face" of the law.

It is obvious, then, that the enacting clause must be readily visible on the Face of a Statute in the common mode in which it is published so that citizens Don't have to search through the legislative journals or other records and books To see the kind of clause used, or if any exist at all. Thus a law in a Statute Book without an enacting clause is not a United publication of law. In Regards to the validity of a law that was found in their statute books with a Defective enacting clause, The Supreme Court of Nevada held that:

"The Constitution expressly provided that the enacting clause of EVERY LAW SHALL BE, 'The people of the State of Nevada, Represented in Senate and Assembly, do enact as follows'."

* This Language is susceptible of but ONE Interpretation. There is No doubtful meanings as to the Intention. It is, in our Judgment, an Imperative Mandate of the people, in their sovereign capacity, to the legislature, requiring That the laws, to be binding upon them, SHALL upon their Face, express the Authority by which they were enacted, and, since this act comes to us (The Nevada Supreme Court) - without such authority appearing upon its Face, it is not a LAW." State of Nevada v. Rogers, 10 Nev. 120, 261 (1875); approved in Caine v. Robbins, 131 Pac. 516, 518, 61 Nev. 416 (1942); Kefauver v. Spurling, 290 S.W. 14, 15 (Tenn. 1926.)

The manner in which the law came to the court was by the way it was found in The statute book, cited by the Court as "Stat. 1875, 166," and that is how they judge the validity of the Law. Since they saw that the act, as it was printed in the statute book, had an Insufficient enacting clause on its Face, it was deemed to be "NOT A LAW". It is only By inspecting the publicly printed statute book that the people can determine the Source, authority and constitutional authenticity of the law they are expected to follow.

It should be noted that the laws in the above cases were held to be "Void" for Having no enacting clauses despite the fact that they were published in an official Statute book of the State, and were next to other laws which had the proper enacting clauses.

The preceding examples and declarations on the use and purpose of enacting clauses Shows beyond doubt that nothing can be called or regarded as a law of this state which Is published without an enacting clause on its Face. Nothing can exist as a State law Except in the manner prescribed by the State Constitution. One of those provisions Is that "all laws" must bear on their Face a specific enacting style - "The people of the State of Nevada, Represented in Senate and Assembly, do enact as follows." And NO LAW SHALL BE ENACTED EXCEPT BY BILL". (Article 4, Section 23 of the Constitution of The State of Nevada). All laws must be published with this Clause in order to be valid laws, and since the "Statutes" in the "The Nevada Revised

Statutes (NRS) 'are not so published, they are not valid laws of this State:

FURTHERMORE: The following part of the constitution of the State of Nevada, was also found in Article 5 Section 20. Secretary of State: Duties. The Secretary of State shall keep a True record of the Official Acts of the Legislature and Executive Departments of the Government, and shall when required, lay the same and all matters relative thereto, before either branch of the Legislature.


It was found that there is no True record of the Official Acts as required By Article 5, Section 20 of the Constitution of the State of Nevada.

VII. THE LAWS REFERENCED TO IN THE COMPLAINT/INFORMATION/PLEA AGREEMENT CONTAIN NO TITLES.

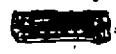
The laws listed in the Complaints/Information/Plea Agreement in question, as cited from the "The Nevada Revised Statutes (NRS)", contains no titles. All laws must have titles indicating the subject matter of the law, as required by the Constitution of the State of Nevada.

Article 4, Section 17:

Act to Embrace One Subject Only; Title; Amendment
Each law enacted by the Legislature shall embrace but ONE subject, and matter, Properly connected therewith, which subject shall be briefly expressed in the title; And no law shall be revised or amended by reference to its title only; but, In such case, the act as revised or section as amended, shall be re-enacted And published at length.

By this provision a title is required to be on all laws. The title is another one of the forms of a law required by the Constitution. This type of constitutional provision "makes the title an essential part of every law", thus the title "is as much a part of the act as the body itself."  Leminger v. Alger, 26 N.W. 2d 348, 351, 316 Mich. 644 (1947)

The title to a legislative act is in a part thereof, and must clearly express the subject of legislation. State v. Burlington & M. R.R. Co., 60 Neb. 741, 84 N.W. 254 (1901).

 All legal authorities have held that the title is part of the act, especially when a constitutional provision for a title exists. 37 A.L.R. Annotated, pp. 448, 449. What then can be said of a law in which an essential part of it is missing, except that it is NOT a law under the State Constitution.

This provision of the State Constitution, providing that every law is to have a Title expressing one subject, is mandatory and is to be followed in all laws, as stated by The Supreme Court of Minnesota:

We pointed out that our constitutional debates indicated that the constitutional Requirements relating to enactment of Statutes were intended to be remedial and mandatory, — remedial, as guarding against recognized evils arising from loose and dangerous methods of conducting legislation, and mandatory, as requiring compliance by the legislature without discretion on its part to protect the public interest against such recognized evils, and that the validity of Statutes should depend on compliance

with such requirements. Bull V. King, 226 N.W. 311, 313 (Minn. 1932)

The constitutional provision for a title have been held in many other states to be mandatory in the highest sense. State V. Beckman, 185 S.W. 2d 810, 816 (Mo. 1945). Leininger V. Alger, 26 N.W. 2d 384, 316 Mich. 644; 82 C.J.S. "Statutes", Section 64, p. 102. The provision for a title in the constitution "renders a title indispensable" 73 Am. Jur. 2d, "Statutes", Section 99, p. 325, citing People V. Monroe, 349 Ill. 273, 182 N.E. 489. Since such provisions regarding a title are mandatory and indispensable, the existence of a title is necessary to the validity of the act. If a title does not exist, then it is not a law pursuant to Art. IV, Sec. 27 of the Constitution of Minnesota (1857). In speaking of the constitutional provision requiring one subject to be embraced in the title of each law, the Supreme Court of Tennessee stated:

"That requirement of the organic law is mandatory, and, unless obeyed in every instance, the legislation attempted is invalid and of no effect whatever." State V. Yardley, 32 S.W. 481, 482, 92 Tenn. 546 (1895).

To further determine the validity of citing laws in a complaint which have no titles, we must also look at the purpose for this constitutional provision, and the evils and problems which it was intended to prevent or defeat.

One of the aims and purposes for a title or caption to an act is to convey to the people who are to obey it the legislative intent behind the law.

The Constitution has made the title the conclusive index to the legislative intent as to what shall have operation. Megins V. City of Duluth, 106 N.W. 89, 90, 47 Minn. 23 (1906). Hyman V. State, 9 S.W. 372, 373, 87 Tenn. 109 (1888)

Under a constitutional provision requiring the subject of the legislation to be expressed in the title, that portion of an act is often the very window through which the legislative intent may be seen. State V. Clinton County, 76 N.E. 986, 166 Ind. 162 (1906).

The title of an act is necessarily a part of it, and in construing the act the title should be taken into consideration. Galatz V. Rothschild, 120 S.W. 1, 221 Mo. 180 (1908).

Without the title the intent of the legislature is concealed or cloaked from public view. Yet a specific purpose or function of a title to a law is to "protect the people against covert legislation". Brown V. Clower, 146 S.E. 2d 363, 365, 225 Ga. 145 (1969). A title will reveal or give notice to the public of the general character of the legislation. The U.S. Supreme Court in determining the purpose of such a provision in state constitutions, said;

"The purpose of the constitutional provision is to prevent the inclusion of incongruous and unrelated matters in the same measure and to guard against inadvertence, stealth and fraud in legislation." Posadas V. Warner, B. & Co., 279 U.S. 340, 344 (1928); also Internat. Shoe Co. V. Shover, 279 U.S. 429, 434 (1928).

The complete omission of a title is about as substantial and plain a violation of this constitutional provision as can exist. The laws cited in the complaints against the Accused are of that nature. They have no titles at all, and thus are not laws under our State Constitution. Ex parte Crane, 151 Pac. 1006, 1010, 1011, 27 Idaho 671 (1915). State V. McEnroe, 283 N.W. 57, 61 (N.D. 1938); State V. Riggs, 109 N.W. 2d 310, 314, 260 Minn. 141 (1961); Leroy V. Special Ind. Sch. Dist., 172 N.W. 2d 764, 768 (Minn. 1969).

The purpose of the Constitutional provision quoted is to prevent misleading or deceiving the public as to the nature of an act by the title given it. State v. Helmer, 211 N.W. 3, 169 Minn. 221 (1926)

The purpose of the constitutional provision requiring a one-subject title, and the mischief which it was designed to prevent, are defeated by the lack of such a title on the face of a law which a citizen is charged with violating. Upon looking at the laws charged in the complaint from the "The Nevada Revised Statutes (NRS)", I am left asking, what is the subject and nature of the laws used in the complaint; Information, Plea Agreement, Judgment of conviction against me? What interests or rights are these laws intended to affect? Since the particular objects of the provision requiring a one-subject title are defeated by the publication of laws which are completely absent of a title, the use of such a publication to indict, charge, or convict citizens with violating such laws is fraudulent and obnoxious to the constitution.

It is to prevent surreptitious, inconsiderate, and misapprehended legislation, carelessly, inadvertently, or unintentionally enacted through stealth and fraud and similar abuses, that the subject or object of a law is required to be stated in the title. 73 Am. Jur. 2d, "Statutes", section 100, p. 325, cases cited

Judge Cooley says that the object of requiring a title is to, "Fully apprise the people through such publication of legislative proceedings as is usually made, of the subjects of legislation that are being considered." Cooley, Const. Lim., p. 144. The State Constitution requires one-subject titles. The particular ends to be accomplished by requiring the title of a law are not fulfilled in the statutes referred to in the, "The Nevada Revised Statutes (NRS)". Thus the laws charged in the complaint, Information, Plea Agreement, Judgment of conviction against me are NOT valid laws! And the charges in Court 3 of Information and Sentence rendered therefore is invalid and illegal because there is no constitutional legal authorities published on the face of the charging document, which is the "INFORMATION" in Court 3. see exhibit "A".

VIII. ESTABLISHED RULES OF CONSTITUTIONAL CONSTRUCTION

The issue of Subject Matter Jurisdiction for this case thus squarely rests upon certain provisions of the Constitution of the State of Nevada (1864), to wit:

Article 4, Section 23. The style of all laws of this State shall be: "The people of the State of Nevada represented in Senate and Assembly, do enact as follows."

Article 4, Section 17. Each law enacted by the Legislature shall embrace but one subject, and matter, properly connected therewith, which subject shall be briefly expressed in the title; and no law shall be revised or amended by reference to its title only; but, in such case, the act as revised or section as amended, shall be re-enacted and published at length:

These provisions are not in the least ambiguous or susceptible to any other interpretation than their plain and apparent meaning. "The Supreme Court of Montana, in construing such provisions, said that they were 'so plainly and clearly expressed are so entirely free from ambiguity,' that 'there is nothing for the courts to construe'." Vaughn & Regisdate Co. v. State Bd. of Eq., 96 F. 2d 429 423, 424. The Supreme Court of Minnesota state how these provisions are to be

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Construed when it was considering the meaning of another provision under the legislative department (Art. 4, Section 9)!

In treating of constitutional provisions, we believe it is the general Rule among courts to regard them as mandatory, and not to leave it to the will or pleasure of a legislature to obey or disregard them. Where the language of the Constitution is plain, we are not permitted to indulge in speculation concerning its meaning, nor whether it is the embodiment of great wisdom. The Rule with reference to constitutional construction is also well stated by Johnson, J., in the case of, Newell v. People, 7 N.Y. 9, 97, as follows:

"If the words embody a definite meaning, which involves no Absurdity, and no contradiction between different parts of the same writing, then that meaning apparent upon the face of the instrument is the one which alone we are at liberty to say was intended to be conveyed. In such a case there is no room for construction. That which the words declare is the meaning of the instrument; and neither courts nor legislatures have the right to add to or take away from that meaning. It must be very plain, — nay, absolutely certain — that the people did not intend what the language they have employed in its natural signification imports, before a court will feel itself at liberty to depart from the plain reading of a constitutional provision." State v. Holm, 62 N.W. 2d 52, 55, 56 (Minn. 1954); Butler Taconite v. Roemer, 282 N.W. 2d 867, 870, 871 (Minn. 1979).

It is certain that the plain and apparent language of these constitutional provisions are not followed in the publication known as the "The Nevada Revised Statutes (NRS)" which contain no titles and no enacting clauses, and thus it is not and cannot be used as the law of this State under the Constitution of the State of Nevada. No language can be plainer or clearer than that used in Art. 4 Section 23 and Section 17 of the Constitution. There is no room for construction! The contents of these provisions were written in ordinary language, making their meaning self-evident, as written in the State of Nevada Constitution.

In construing a provision of our Constitution, however, we are governed by certain well-established Rules. Foremost among these is the Rule that, where the language used is clear, explicit, and unambiguous, the language of the provision itself is the best evidence of the intention of the framers of the Constitution. If the language is free from obscurity, the courts must give it the ordinary meaning of the words used. State v. Holm, 62 N.W. 2d 52, 55, (Minn. 1954).

No matter how much the courts of this State have relied upon and used the publication entitled "The Nevada Revised Statutes (NRS)" as being Law, that use can never be regarded as an exception to the Constitution. To support this publication as law, it must be said that it is "absolutely certain" that the framers of the Constitution did not intend for titles and enacting

clauses to be printed and published with all laws, but that they did intend for them to be all stripped away and concealed from public view when a compilation of statutes is made. Such an absurdity will gain the support or respect of no one. Nor can it be speculated that a revised statute publication which dispenses with all titles and enacting clauses must be allowed under the Constitution as it is. More practical and convenient than the "Session Law" publication. The use of such speculation or desired exceptions can never be used in construing such plain and unambiguous provisions.

The general rule of law is, when a statute or constitution is plain and unambiguous, the court is not permitted to indulge in speculation concerning its meaning, nor whether it is the embodiment of great wisdom. A constitution is intended to be framed in brief and precise language. It is not within the province of the court to read an exception in the constitution which the framers thereof did not see fit to enact therein. Baskin v. State, 232 Pac. 388, 389, 107 O.L.A. 272 (1925)

There is no justification for deviating from or violating a written constitution. The, "The Nevada Revised Statutes (NRS)" cannot be used as law, like the "Session Laws" were once used, solely because the circumstances have changed and we now have more laws to deal with. It cannot be said that the use and need of revised statutes without titles and enacting clauses must be justified due to expediency. New circumstances and needs do not change the meaning of constitutions, as Judge Cooley expressed:

"A constitution is not to be made to mean one thing at one time, and another at some subsequent time when the circumstances may have so changed as perhaps to make a different rule in the case seem desirable. A principal share of the benefit expected from written constitutions or be modified by public opinion. A court or legislature which should allow a change in public sentiment to influence it in giving to a written constitution a construction not warranted by the intention of its founders, would be justly ~~chargeable~~ chargeable with reckless disregard of official oath and public duty; and if its course could become a precedent, these instruments would be of little avail. What a court is to do, therefore, is to declare the law as written!" T. M. Cooley, A Treatise on the Constitutional Limitations, 5TH edition, pp. 54, 55.

I contend that, when looking at the Constitution ALONE, it is NOT at all possible to find support for the idea that the publication called the "The Nevada Revised Statutes (NRS)" is VALID LAW OF THIS STATE. The original intent of Article 4, section 23 and section 17 of the Constitution cannot be stretched to cover their use as such. These provisions cannot now be regarded

cited.

For NOTHING can be regarded as a law in this STATE OF NEVADA which FAILS to conform to the constitutional prerequisites which call for an Enacting clause and title. There is nothing in the complaints, information, judgment OF conviction which can constitutionally be regarded as LAWS, and thus there is NOTHING in them which I am answerable for or which can be charged against me. So surely these NOW-LAWS cannot be used to convict me. Since there are no valid or constitutional laws charged against me there are no crimes and no convictions that exist, consequently there is no subject matter jurisdiction by which I can be tried for or convicted of in the above named court.

CAVEAT

I regard it as just and necessary to give fair warning to this court of the consequences of its failure to follow the Constitution of the State of Nevada and uphold its OATH and DUTY in this matter, being that it can result in this court committing acts of Treason, Usurpation, and Tyranny. Such trespasses would be clearly evident to the public, especially in light of the clear and unambiguous provisions of the Constitution that are involved here which leave no room for construction, and in light of the numerous adjudications upon them as herein stated. This possible breach of law that may result by denying this motion are enumerated as follows:

1. The Failure to uphold these clear and plain provision of the Constitution cannot be regarded as mere error in judgment, but deliberate USURPATION. "Usurpation is defined as unauthorized arbitrary assumption and exercise of power." State ex rel. Dantelson v. Village of Mound, 294 Minn. 531, 543, 48 N.W.2d 855, 863 (1951). While error is only avoidable, such usurpation is void.

The boundary between an error in judgment and the usurpation of judicial power is this: The former is reversible by an appellate court and is, therefore, only voidable, which the latter is a nullity. State v. Mandelhorn, 209 N.W. 750, 752 (Minn. 1926)

To take jurisdiction where it clearly does not exist is usurpation, and no one is bound to follow acts of usurpation, and in fact it is a duty of citizens to disregard and disobey them since they are void and unenforceable. No authority need be cited for the proposition that, "When a Court lacks jurisdiction, any judgment rendered by it is VOID and UNENFORCEABLE." Hucker v. Boles, 346 Fed.2d 285, 286 (1965).

The fact that the "The Nevada Revised Statutes (NRS)" has been in use for over 50-years cannot be held as a justification to continue to usurp power and set aside the constitutional provisions which are contrary to such usurpation, as Judge Cooley states

"Acquiescence for no length of time can legalize a clear usurpation of power, where the people have plainly expressed their will in the Constitution's Code, Constitutional Limitations, p. 71.

2(b) GROUND 2: ILLEGAL WEAPON ENHANCEMENT'S.

pursuant to Assembly Bill

300; NRS. 193/165, Due Process, 6TH, 5TH, 14TH Amendment of U.S. Constitution.

2(b) SUPPORTING FACTS:

The Defendant contends that he took a plea and plead guilty to 2 deadly weapon enhancements to wit he Received a 4 to 12-years and 9 12 to 30 months.

Defendant contends that his weapon enhancements are facially illegal because there was (1) No findings of facts made by a Jury to justify enhancing his sentence, (2) Nor did the Defendant ever "admit" on Record to having or using a gun or any weapon in the commission of any crime. (3) Nor did know that he had a Right to have a jury determine the aggravating factors and that by pleading guilty that he would be waiving that Right, which further proves that his counsel was "ineffective". Therefore the weapon enhancements imposed upon Defendant are plainly illegal sentences. ~~They~~ they are facially illegal see. 2nd Points and authorities attached, and Argument attached for more detailed argument on this point. Defendant has demonstrated that his Weapon Enhancements are illegal and must be vacated as a matter of law.

In addition, ~~even~~ if this Court Ruled correctly or applied the law correctly, which it did not, pursuant to AB. 300; NRS. 193.165, the defendant could not have Received a sentence greater than, "Not less than 1-year and not more than 5-years." Therefore the 4 to 12-year enhancement would also be facially illegal upon that basis and must be vacated as a matter of law.

1
2 POINTS AND AUTHORITIES

3 This court has jurisdiction to entertain this Motion pursuant
4 to NRS 176.555, Anderson v State, 90 Nev. 385, 528 P2d 1023 (1974) and
5 State v Eighth Judicial District Court, 100 Nev. 677 P2d 1044 (1984).

6 The District Court unconstitutionally enhanced defendant's
7 sentence under NRS 193.165, as there was no findings made by a jury
8 nor admitted by defendant, in violation of his 5th, 6th, and 14th
9 Amendment rights as guaranteed by the Nevada and United States
10 Constitution..

11 Defendant contends that he was not properly canvassed as to
12 the extended or enhanced portion of his sentence, also, defendant
13 asserts that the guilty verdict contained no findings of facts
14 regarding the enhancement portion of defendant's sentence, the High
15 Court, has stated that; the court will not assume that a defendant
16 waived the right to have a jury determine the aggravating factors
17 by entering a guilty plea, unless the record shows that he knew,
18 first, that he had the right to have a jury determine the aggra-
19 vating factors and, second, that, by pleading he was waiving that
20 right, cf. State v Ross, id. at 757, which is clearly established
21 Federal Law.

22 Defendant also states that had he known that he had the
23 right to a jury determination of the aggravating facts used to
24 enhance his sentence, he would have asserted his right, also, a
25 determination whether a defendant used a gun during the attempted
26 murder, which enhanced the penalty, was for a jury to decide, that
27 principle application is clear..

28 At sentencing, defense counsel and the prosecutor failed to
inform the court that no proper findings were made by a jury

1 regarding the enhancement provision of NRS 193.165, and that such a
2 finding was required by NRS 193.165(3). Despite this lack of a jury
3 finding, the district court nonetheless, imposed an enhanced sentence
4 by adding a consecutive sentence of *4 to 12 years and 12 to 30 months*.

5 The Nevada Supreme Court has held that "the prescribed fact
6 required" by NRS 193.165(3), is unequivocally a jury question.
7 Zgombic v State, 106 Nev. 571, 577 (1990), (... "the trier of facts will
8 have to determine if the weapon was a necessary element" ...). In
9 the absence of a factual finding by a jury, the district court far
10 exceeded its authority by enhancing defendant's sentence.

11 The enhancements imposed upon defendant's sentence were
12 erroneous under Booker because they were driven by finding of fact
13 that the judge was compelled by the statutes to make, which
14 increased the sentence beyond what the jury's findings of fact
15 alone would have allowed. Furthermore, the error was plain because
16 the law at the time of trial was settled and it is clearly
17 contrary to the rule established in Booker, the law at the time of
18 appeal. Johnson v United States, 520 U.S. 461, 468, 117 S.Ct. 1544, 137
19 L.Ed.2d 718 (1997).

20 Defendant contends that he was sentenced outside of constitu-
21 tional limits which created an illegal sentence, which can
22 constitute fundamental error.

23 Defendant also contends that a jury would not have necessa-
24 rily considered these nonenumerated factors, much less have found
25 them established beyond a reasonable doubt. Of the enumerated
26 aggravating factors the trial court found--the offense caused
27 significant emotional and physical harm to the victim, [REDACTED]
28 [REDACTED]

Thus, the court held that a defendant has a constitutional right to have a jury determine whether the facts permitting an enhanced or exceptional sentence have been proven beyond a reasonable doubt. *Blackely*, 284 S.Ct. at 2533.

Blackely teaches that before the trial court imposes an enhanced or exceptional sentence, the jury (bifurcated) must find the necessary facts beyond a reasonable doubt, or the defendant himself must admit those facts. THAT WAS NOT DONE HERE.

Defendant allocated at his sentencing (a plea for mercy), he did not know that the State was obligated to prove to a jury beyond a reasonable doubt the enhancement sentencing facts. Thus, he could not knowingly, voluntarily, and intelligently waive his *Blackely* rights. *Barboza*, 102 p.3d at 190. Defendant NEVER admitted to any of the facts.

Defendant also asserts that he was deprived of his 6th, 14th Amendment right to a jury trial because the sentencing judge enhanced his sentence under mandatory guidelines system "based" on facts found by the judge that were neither admitted by defendant nor found by a jury, where defendant didn't object in the district court on such basis.

Becker, has made the error "plain". Plain is synonymous with "clear" or "obvious", *Olano*, 507 U.S. at 734, 113 S.Ct. 1770. *Johnson v. United States* teaches that an error is plain even though an objection at trial was not warranted under existing law, but a

1 superseding decision before appeal reverses that well settled law.

2 It is enough that the law was settled at the time of
3 appellate consideration to make the error "plain". Id.

4 Defendant contends that the error is the "imposition" of the
5 sentence, which was enhanced by using judge found facts, not admit-
6 ted by the defendant or found by a jury, in a mandatory guideline
7 system.

8 When the judge used extra verdict enhancements to reach a
9 verdict the error became plain and also effected the integrity
10 and judicial proceedings (the public reputation of) and fairness.

11 The United States Supreme Court in Apprendi v New Jersey, 120
12 S.Ct. 2348 (2000) and Blakely v Washington, 124 S.Ct. 2531 (2004),
13 substantially agrees with this principle, and held that;

14 Any fact that increases the penalty for a crime
15 beyond the prescribed statutory maximum, must be
16 submitted to a jury, and proved beyond a reasonable doubt.
17 doubt.

18 see also, the recent "landmark" decision in U.S.v. Booker/U.S.v.
19 FanFan, 125 S.Ct. 738 (2005)..

20 "Quoting Justice Souter: Only a plea agreement, charging
21 document to which a defendant pleads guilty, an admission
22 by a defendant and similar reliable facts may be used to
23 stiffen sentences. The 6th and 14th Amendments guarantee
24 a jury standing between a defendant and the power of the
25 State, and, they guarantee a jury's finding of any disputed
26 fact essential to increase the ceiling of potential
27 sentences."

28

ARGUMENT

Defendant argues, that the general rule in Apprendi v New Jersey, 53 U.S. 466, 120 S.Ct. 2348, 147 L.Ed.2d 435 (2000), and Blakely v Washington, 124 S.Ct. 2531, 159 L.Ed.2d 403 (2004), " That the Trial Court erred in imposing departure sentence, based on aggravating factor that defendant neither admitted to nor were they submitted to a jury and proved beyond a reasonable doubt.

Defendant, concedes that he raises the issue for the first time on appeal, however, he argues that the Court may review the error as one that is apparent on the face of the record. see, State v Brown, 800 P2d 259 (1990).

Defendant asserts that facts relating to his criminal background, involvement in similar crimes in the past and facts relating to the pre-sentence report (PSR), the recommendation and the opinion of the (department of parole & probation) investigator were used to enhance defendant's sentence, in making those findings the court having relied in part on those and other facts that were not proven beyond a reasonable doubt, then and thereafter, the court imposed a departure sentence unconstitutionally.

In Apprendi, the United States Supreme Court held that, "(o)ther than the fact of a prior conviction, any fact that increases the penalty for a crime beyond the statutory maximum, must be submitted to a jury, and proved beyond a reasonable doubt": see also, Jones v U.S., 119 S.Ct. 1215 (1999), and State v Sawatzky, 96 P 3d 1288.

There is nothing in the record that the court applied the proof beyond a reasonable doubt standard, see, Apprendi, 530 U.S. at 476, 120 S.Ct. 2348 (stating that the due process clause of the 14th Amendment requires that "aggravating factors" be proved beyond a reasonable doubt) see also, State v Caravita, 804 P2d 522 (1991),

1 (finding plain error where trial court applied preponderance
2 standard rather than reasonable doubt standard).

3 Defendant contends that he "simply" did not know that by
4 plea of "guilty to the "charged offense", that his plea would extend
5 also to the "aggravating factors" as well; to be valid, a waiver must
6 be an intentional relinquishment or abandonment of a known right
7 or privilege, Johnson v Zerbst, 304 U.S. 458, 464, 58 S.Ct. 1019, 83 L.
8 1461 (1938).

9 Defendant was not made aware of this fact neither by the
10 court's canvass (colluquy) or by his counsel, therefore making his
11 plea invalid, Defendant's plea was not knowingly or intelligently
12 made due to the improper canvass of/by the court, Boykin v Alabama
13 395 U.S. 238, 243, 89 S.Ct. 1709, 23 L.Ed. 2d 274 (1969).

14 Defendant feels, that, had he known about his Sixth (6th) Amend
15 ment Right to have a jury determine the aggravating factors and
16 not the judge, he would have asserted his constitutional right, see
17 Abrego v State, 38 P3d 868 (2002), and Patton v U.S. 281 U.S. 276, 312,
18 50 S.Ct. 253, 74 L.Ed. 854 (1930).

19 Defendant, argues that, in order for his plea to be a valid
20 waiver of his sixth (6th) amendment right to have a jury determine
21 the aggravating factors, the court should "clearly" have explained
22 during the plea (colluquy) canvass.

23 Defendant, never knew that his plea to the charged offense,
24 could or would extend to the aggravating factors used to enhance
25 his sentence beyond the statutory maximum authorized by the U.S.
26 constitution. see (plea hearing and sentencing transcripts), also, see
27 State v Gornick, 102 P3d 734 (2004), and State v Perez, 102 P3d 705
28 (2004).

1 Absent authorization from the trial jury--in the form of a
2 finding, by proof beyond a reasonable doubt, of the facts warranting
3 the extended sentence under the New Jersey statute--the State has
4 no power to sentence the defendant to more than the maximum
5 authorized by the jury's verdict, "Apprendi, 530 U.S., at 494, 120 S.
6 Ct. 2348. Defendant feels that the departure sentence affected "his
7 substantial rights as guaranteed by the United States Constitution."

8 Even acknowledging, Defendant bore the burden of proving
9 that the court's error prejudiced him, Defendant demonstrated more
10 than a reasonable doubt that he was responsible for the crime(s),
11 however, this error prejudiced defendant in a concrete way, because
12 of the court's findings, defendant received a sentence of 46 1/2 years
13 years longer than the maximum he could have received had he been
14 sentenced on the facts as found by the jury, the Supreme Court
15 endorses the statement of the rule set forth in the concurring
16 opinions in Jones v United States, 526 U.S. 227, 252-53, 119 S.Ct. 1215
17 143 L.Ed.2d 311 (1999). "(I)t is unconstitutional for a legislature
18 to remove from the jury the assessment of facts that increase the
19 penalties to which a criminal defendant is exposed. It is equally
20 clear that such facts must be established by proof beyond a reason-
21 able doubt".

22 "The Apprendi error in Defendant's case seriously affects
23 the fairness, integrity and public reputation of judicial proceed-
24 ings", U.S. v Olana, 113 S.Ct. 1770 (1993).

25 Fairness is undermined when a court's error imposes a
26 longer sentence than might have been imposed had the court not
27 plainly erred. United States v Castillo-Casiano, 198 F.3d. 787, 792
28 (9th Cir. 1999), amended by, 204 F.3d. 1257 (9th Cir. 2000).

1 process requires.

2 Like the aggravating factors in Apprendi, Blakely and Booker,
3 which applied the sixth amendment and articulated the violations
4 of the right to jury trial that these "judge-made" findings of
5 extra-verdict sentencing factors exposed defendant to a greater
6 punishment than that authorized by the jury's verdict, see, Ring vs.
7 Arizona, 536 U.S. at 604, 122 S.Ct. 2428.

8 The fatal constitutional flaw in the judge's sentencing
9 enhancement procedure "cannot" be cured by designating a finding
10 as being based on extrinsic facts. Apprendi, applies equally to
11 elements of a greater offense than that one covered by the jury's
12 guilty verdict and to sentencing factors which would expose a
13 defendant to an increase "outside" the statutory maximum for the
14 crime covered by the plea or the jury's guilty verdict, Apprendi,
15 530 U.S. at 494 n.19.

16 Defendant asserts that his claim of entitlement to jury
17 trial on facts used by the sentencing court to justify the enhanc-
18 ement sentence was apparent on the face of the record, and would be
19 considered on appeal despite defendant's failure to preserve such
20 claim at trial. Therefore, under Blakely v Washington, 542 U.S. ---,
21 124 S.Ct. 2531 (2004), and Apprendi v New Jersey, 530 U.S. 466, 120 S.Ct.
22 2340 (2000), a court may not rely on unproven or unadmitted facts
23 when imposing an enhanced or exceptional sentence.

24 The final aggravating factor was the use of a dangerous
25 instrument or deadly weapon. The *Murder* offense was charged as
26 *enhancement* based on the use of a deadly weapon. The
27 sentence was also enhanced as a *Attempt Murder*, although it is
28 not clear whether the *he used a weapon* was found in the use of the

1 weapon or the seriousness of the injury because the indictment did
2 not specify the basis of the dangerous nature of the offense.

3 Employing the "fact" of a deadly weapon to prove an offense,
4 then to aggravate a sentence, and finally to enhance a sentence, is
5 problematic.

6 Thus, the use of the weapon and the seriousness of the injury
7 cannot be "double-counted" by using them to prove guilt and then
8 to aggravate the sentence, or by using them to enhance the sentence
9 and then to aggravate it.

10 When a trial court relies on an improper factor, and the
11 Supreme Court is not certain that it would have imposed the same
12 sentence absent that factor, the court should and must remand for
13 resentencing and/or vacate the enhancement pursuant to Blakely and
14 Booker/FanFan.

CONCLUSION

-CONT-

Defendant contends that this Judge, Judges, Courts, Lawyers, Legal Scholars and the 3 Branches of State government have all operated on the "Presumption" that the NRS' were constitutionally created and are the cited laws in the State of Nevada; and that, The Decades of "Stealth Fraud" and ongoing "Long Arm Fraud" has "Recently been Discovered" by the Defendants all by which has taken years of Research by an inmate advocate, that could not have possibly been discovered before now

That "Presumption" is Now displaced with the "Knowledge of Law," that the NRS' does "Constitutionally Fail," The "Information," non-charging document also Constitutionally Fails and they CANNOT be used against this Defendant and are therefore "Void" "ab initio". For Judges are assumed to know the Laws. 22. CORPUS JURIS SECUNDUM, "CRIMINAL LAW", SECTION 324, p. 370.

Good Cause is shown, why Defendant is only Now bringing this Claim and as to why he should be granted Relief. That these issues have never been heard on the merits. And if he could prove what he alleges, then he would be entitled to Relief. Therefore Relief should be granted. OR he should be given an evidentiary hearing on the issues brought herein.

Cedric Jackson

Cedric Jackson # 1130512
Defendant / In pro per

Thereby, pursuant to the facts and the law stated herein,
Defendant, request that his sentence be modified/corrected as
follows: That this Court (1) Issue an Unconditional Release or (2) Time
Served and Release and/or (3) any other mutually acceptable Relief
by the parties based upon the foregoing in this Motion

Dated; this 4 DAY OF June, 2016.

Cedric Jackson
Cedric Jackson # 1130512
Defendant/propria person

CERTIFICATE OF SERVICE BY MAILING

I, Cedric Jackson, hereby certify, pursuant to NRCP 5(b), that on this 4
day of June, 2016 I mailed a true and correct copy of the foregoing, "Motion to
Modify and/or Correct by setting aside illegal sentence"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

DISTRICT COURT CLERK
200 Lewis Ave
Las Vegas, NV 89155

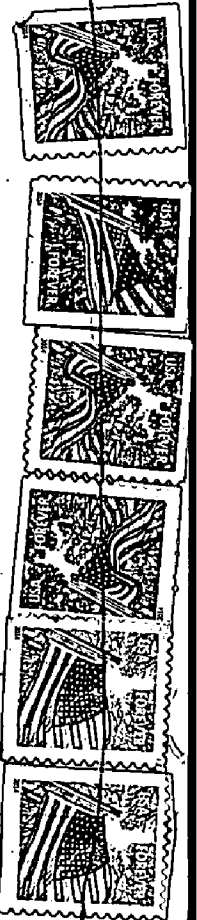
District Attorney
200 Lewis Ave
Las Vegas, NV 89155

CC:FILE

DATED: this 4 day of June, 2016.

Cedric Jackson
Cedric Jackson # 1130512
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

Cedric Jackson #1130512
SDCC
P.O. Box 208
Indian Springs, NV 89070



Las Vegas, NV
MAY 13 1990

District Court Clerk
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155

Southern Desert
Confidential Center
Southern Desert
Confidential Center
OUTGOING MAIL
JUL 11 1964

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA

Plaintiff,

vs.

CEDRIC JACKSON
Defendant,

Case No. 10C265339-1

Dept. No. _____

Docket _____

ORDER

Upon reading the motion of defendant, Cedric Jackson, requesting
withdrawal of counsel, Don Winder, Esq., of the Clark county Public
Defender's Office, and Good Cause Appearing,

IT IS HEREBY ORDERED that defendant's Motion for Withdrawal of Counsel is
GRANTED.

IT IS HEREBY FURTHER ORDERED that Counsel deliver to defendant at his address,
all documents, papers, pleadings, discovery and any other tangible property in the above-entitled
case.

DATED and DONE this 4 day of June, 2016.

10C265339-1
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DISTRICT COURT JUDGE

**THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
656 - 658
WILL FOLLOW VIA
U.S. MAIL**

Alvin D. Quinn
CLERK OF THE COURT

CEDRIC JACKSON
NDOC No. #1130512
SDCC, P.O. Box 208
Indian Springs, NV. 89470

In proper person

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE
COUNTY OF CLARK

CEDRIC JACKSON)
)
Petitioner,)

v.)

Case No. 10c265339-1

STATE OF NEVADA)
Respondent.)

Dept. No. _____

Hearing ; 7-27-16
8:30AM

"EX PARTE MOTION"

MOTION AND ORDER FOR TRANSPORTATION
OF INMATE FOR COURT APPEARANCE
OR, IN THE ALTERNATIVE,
FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE

Petitioner, Cedric Jackson, proceeding pro se, requests
that this Honorable Court order transportation for his personal appearance or, in the
alternative, that he be made available to appear by telephone or by video conference
at the hearing in the instant case that is scheduled for July 13, 2016
8:30 AM.

*NOTE: Please Return a copy of this Motion due to Petitioner's in forma pauperis
status, he was unable to make his own copy. Thank you.

PP
DA
AOR:
DAN
Winder
MC
RECEIVED
JUL 06 2016
CLERK OF THE COURT
RECEIVED
JUL 5 0 11P
CLERK OF THE COURT

1 In support of this Motion, I allege the following:

2 1. I am an inmate incarcerated at SDCC (Southern Desert Correctional Center)
3 My mandatory release date is N/A due to enhancement consecutive sentence.
4

5 2. The Department of Corrections is required to transport offenders to and
6
7 from Court if an inmate is required or requests to appear before a Court in this state.
8

9 NRS 209.274 Transportation of Offender to Appear Before Court states:

10 "1. Except as otherwise provided in this section, when an offender is
11 required or requested to appear before a Court in this state, the
12 Department shall transport the offender to and from Court on the day
13 scheduled for his appearance.

14 2. If notice is not provided within the time set forth in NRS 50.215, the
15 Department shall transport the offender to Court on the date scheduled
16 for his appearance if it is possible to transport the offender in the usual
17 manner for the transportation of offenders by the Department. If it is
18 not possible for the Department to transport the offender in the usual
19 manner:

20 (a) The Department shall make the offender available on the date scheduled
21 for his appearance to provide testimony by telephone or by video conference,
22 if so requested by the Court.

23 (b) The Department shall provide for special transportation of the offender to
24 and from the Court, if the Court so orders. If the Court orders special
25 transportation, it shall order the county in which the Court is located to
26 reimburse the Department for any cost incurred for the special transportation.

27 (c) The Court may order the county sheriff to transport the offender to and
28 from the Court at the expense of the county."

29 3. My presence is required at the hearing because:

1 ☒ I AM NEEDED AS A WITNESS.

2 My petition raises substantial issues of fact concerning events in which I
3 participated and about which only I can testify. *See U.S. v. Hayman*, 342 U.S.
4 205 (1952) (District Court erred when it made findings of fact concerning
5 Hayman's knowledge and consent to his counsel's representation of a witness
6 against Hayman without notice to Hayman or Hayman's presence at the
7 evidentiary hearing).

8 ~~☒~~ THE HEARING WILL BE AN EVIDENTIARY HEARING.

9 My petition raises material issues of fact that can be determined only in my
10 presence. *See Walker v. Johnston*, 312 U.S. 275 (1941) (government's contention
11 that allegations are improbable and unbelievable cannot serve to deny the
12 petitioner an opportunity to support them by evidence). The Nevada
13 Supreme Court has held that the presence of the petitioner for habeas corpus
14 relief is required at any evidentiary hearing conducted on the merits of the
15 claim asserted in the petition. *See Gebers v. Nevada*, 118 Nev. 500 (2002).

16 4. The prohibition against ex parte communication requires that I be present
17 at any hearing at which the state is present and at which issues concerning the claims
18 raised in my petition are addressed. U.S. Const. amends. V, VI.

19 5. If a person incarcerated in a state prison is required or is requested to
20 appear as a witness in any action, the Department of Corrections must be notified in
21 writing not less than 7 business days before the date scheduled for his appearance in
22 Court if the inmate is incarcerated in a prison located not more than 40 miles from
23 Las Vegas. NRS 50.215(4). If a person is incarcerated in a prison located 41 miles or
24 more from Las Vegas, the Department of Corrections must be notified in writing not
25 less than 14 business days before the date scheduled for the person's appearance in
26 Court.

27 6. Cedric Jackson is located approximately
28 20 miles from Las Vegas, Nevada.

1 7. If there is insufficient time to provide the required notice to the Department
2 of Corrections for me to be transported to the hearing, I respectfully request that this
3 Honorable Court order the Warden to make me available on the date of the
4 scheduled appearance, by telephone, or video conference, pursuant to NRS
5 209.274(2)(a), so that I may provide relevant testimony and/or be present for the
6 evidentiary hearing.

7 8. The rules of the institution prohibit me from placing telephone calls from
8 the institution, except for collect calls, unless special arrangements are made with
9 prison staff. Nev. Admin. Code DOC 718.01. However, arrangements for my
10 telephone appearance can be made by contacting the following staff member at my
11 institution: Brian Williams, SDCC Senior Warden
12 whose telephone number is 212

13
14 Dated this 30 day of July, 2016.

15
16 BY: Cedric Jackson
17 Cedric Jackson # 1130512

18
19
20 JUDGE, 8TH JUDICIAL DISTRICT
21 COURT

CERTIFICATE OF SERVICE BY MAILING

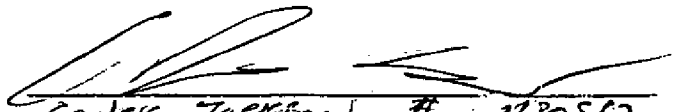
I, Cedric Jackson, hereby certify, pursuant to NRCP 5(b), that on this 21
day of June, 2016, I mailed a true and correct copy of the foregoing, "Motion For
Transport Order & Exhibit A (as to be attached/considered attached)"
Motion To Reduce, Correct or Set aside illegal sentence
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

District Court Clerk
200 Lewis Ave
L.V., NV. 89155

District Attorneys Office
200 Lewis Ave
L.V., NV. 89155

CC:FILE

DATED: this 21 day of June, 2016.


Cedric Jackson # 1180512
/In Propria Persona
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

- EXHIBIT "A" is a copy of Assembly Bill No. 300, For NRS.
193.165 passed into Law on March 13TH, 2007. This is considered as
an exhibit attached to Defendant current pending, "Motion To Correct,
Reduce OR Set Aside an Illegal Sentence." It should be seen as such to
to present a facial claim.

EXHIBIT "A"

the right of the assemblyman

A.B. 300

ASSEMBLY BILL NO. 300—ASSEMBLYMAN SEGERBLOM

MARCH 13, 2007

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the additional penalty for the use of certain weapons in the commission of a crime. (BDR 15-1122)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

EXPLANATION—Matter in *bolded italics* is new; matter between brackets ~~(omitted material)~~ is material to be omitted.

AN ACT relating to crimes; revising the additional penalty that may be imposed under certain circumstances for using a firearm, other deadly weapon or a weapon capable of containing or emitting tear gas in the commission of a crime; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, a person who uses a firearm, other deadly weapon or a
- 2 weapon containing or capable of emitting tear gas in the commission of a crime
- 3 must be punished by imprisonment in the state prison for a term equal to and in
- 4 addition to the term of imprisonment for the underlying crime. (NRS 193.165) This
- 5 bill revises the term of imprisonment for this additional penalty to require instead
- 6 that, in addition to the punishment prescribed for the underlying crime, a person
- 7 who uses a firearm, other deadly weapon or a weapon containing or capable of
- 8 emitting tear gas in the commission of a crime must be punished by imprisonment
- 9 in the state prison for a term of not less than 1 year and not more than 5 years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. NRS 193.165 is hereby amended to read as follows:
- 2 193.165 1. Except as otherwise provided in NRS 193.169,
- 3 any person who uses a firearm or other deadly weapon or a weapon
- 4 containing or capable of emitting tear gas, whether or not its
- 5 possession is permitted by NRS 202.375, in the commission of a
- 6 crime shall, *in addition to the term of imprisonment prescribed by*



SUMMARY—Revises provisions governing the additional penalty for the use of certain weapons in the commission of a crime. (BDR 15-1122)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

AN ACT relating to crimes; revising the additional penalty that may be imposed under certain circumstances for using a firearm, other deadly weapon or a weapon capable of containing or emitting tear gas in the commission of a crime; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who uses a firearm, other deadly weapon or a weapon containing or capable of emitting tear gas in the commission of a crime must be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment for the underlying crime. (NRS 193.165) This bill revises the term of imprisonment for this additional penalty to require instead that, in addition to the punishment prescribed for the underlying crime, a person who uses a firearm, other deadly weapon or a weapon containing or capable of emitting tear gas in the commission of a crime must be punished by imprisonment in the state prison for a term of not less than 1 year and not more than 5 years.

(b) Kidnapping in the first degree;

(c) Sexual assault; or

(d) Robbery.

5. As used in this section, "deadly weapon" means:

(a) Any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death;

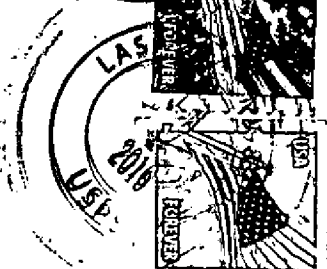
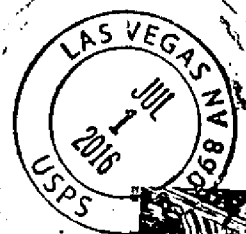
(b) Any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death; or

(c) A dangerous or deadly weapon specifically described in NRS 202.255, 202.265, 202.290, 202.320 or 202.350.

CEDRIC JACKSON #1130512
SDC
P.O. Box 202
Indian Springs, NV. 89070

Original
Confidential
Government
Document

District Court
CLERK OF THE COURT
200 Lewis Ave. 3rd Floor
Las Vegas, NV. 89155



1 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
2 STATE OF NEVADA IN AND FOR THE
3 COUNTY OF CLARK
4

5 CEDRIC JACKSON)

6 Petitioner,)

7)
8 v.)

9) Case No. 10C265339-1
10)
11 THE STATE OF NEVADA) Dept. No. _____
12)

13 Respondent.)
14)
15

10C265339-1
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16 ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE
17 OR, IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE OR VIDEO
18 CONFERENCE

19 Based upon the above motion, I find that the presence of
20 Cedric Jackson is necessary for the hearing that is scheduled in this
21 case on the _____ day of _____, _____, at
22 _____.

23 THEREFOR, IT IS HEREBY ORDERED that,

24 ☐ Pursuant to NRS 209.274, Warden Brian Williams
25 of SDCC (Southern Desert Correctional Center) is hereby commanded to have
26 Cedric Jackson transported to appear before me at a hearing
27 scheduled for July 13th, 2016 at 8:30 Am at the
28 Eighth Judicial District Court, Clark County Courthouse. Upon completion of the hearing,

RECEIVED

JUL 05 2016

CLERK OF THE COURT

1 Cedric Jackson is to be transported back to the above
2 named institution.

3
4 ☐ Pursuant to NRS 209.274(2)(a), Petitioner shall be made available for telephonic
5 or video conference appearance by his or her institution. My clerk will contact
6 _____ at _____ to make
7 arrangements for the Court to initiate the telephone appearance for the hearing.
8

9 Dated this _____ day of _____.

10
11
12 _____
13 District Court Judge
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29


CLERK OF THE COURT

RSPN
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
STEVEN S. OWENS
Chief Deputy District Attorney
Nevada Bar #004352
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-

CEDRIC LEROB JACKSON,
#1581340

Defendant.

CASE NO: 10C265339-1

DEPT NO: X

STATE'S RESPONSE TO DEFENDANT'S PRO PER MOTION
TO MODIFY AND/OR CORRECT BY SETTING ASIDE
ILLEGAL SENTENCE AND MOTION TO APPOINT COUNSEL

DATE OF HEARING: JULY 13, 2016
TIME OF HEARING: 8:30 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through STEVEN S. OWENS, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Response to Defendant's Pro Per Motion to Modify and/or Correct by Setting Aside Illegal Sentence and Motion to Appoint Counsel.

This response 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.

//

//

//

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On September 17, 2014, the State filed an Amended Information charging CEDRIC L.
4 JACKSON (hereinafter "Jackson") with: COUNT 1 – Second Degree Murder with Use of a
5 Deadly Weapon (Category A Felony – NRS 200.010, 200.030, 193.165 – NOC 50011) and
6 COUNT 2 – Attempt Murder with Use of a Deadly Weapon (Category B Felony – NRS
7 200.010, 200.030, 193.330, 193.165 – NOC 50031). That same day, Jackson entered into a
8 Guilty Plea Agreement wherein he pleaded guilty to the charges contained in the Amended
9 Information.

10 On November 19, 2014, Jackson was sentenced to the Nevada Department of
11 Corrections (NDC) as follows: COUNT 1 – a maximum of 25 years and a minimum of 10
12 years plus a consecutive term of a minimum of 4 years and a maximum of 12 years for the use
13 of a deadly weapon and COUNT 2 – a maximum of 60 months and a minimum of 24 months
14 plus a consecutive term of a minimum of 12 months and a maximum of 30 months for the use
15 of a deadly weapon, to run concurrent with COUNT 1. Jackson was given 1748 days credit
16 for time served. The Judgment of Conviction was filed on November 21, 2014. Jackson did
17 not file a direct appeal.

18 On June 22, 2016, Jackson filed a Motion to Modify and/or Correct by Setting Aside
19 Illegal Sentence and Motion to Appoint Counsel. The State responds as follows.

20 **ARGUMENT**

21 **I. Jackson's Motion is not cognizable and without merit.**

22 In general, a district court lacks jurisdiction to modify a sentence once the defendant
23 has started serving it. Passanisi v. State, 108 Nev. 318, 321, 831 P.2d 1371, 1373 (1992).
24 However, a district court has inherent authority to correct, vacate, or modify a sentence that
25 violates due process where the defendant can demonstrate the sentence is based on a materially
26 untrue assumption or mistake of fact about the defendant's criminal record that has worked to
27 the *extreme detriment* of the defendant. Edwards v. State, 112 Nev. 704, 707, 918 P.2d 321,
28 324 (1996) (emphasis added); see also Passanisi, 108 Nev. at 322, 831 P.2d at 1373.

1 Not every mistake or error during sentencing gives rise to a due process violation. State
2 v. Eighth Judicial Dist. Court, 100 Nev. 90, 97, 677 P.2d 1044, 1048 (1984). A district court
3 has jurisdiction to modify a defendant's sentence "only if: 1) the district court actually
4 sentenced appellant based on a materially false assumption of fact that worked to appellant's
5 extreme detriment, and 2) the particular mistake at issue was of the type that would rise to the
6 level of a violation of due process." Passanisi, 108 Nev. at 322-23, 831 P.2d at 1373-74.

7 Jackson's claims that the Court lacks jurisdiction and that his sentencing enhancements
8 for the use of a deadly weapon are illegal are without merit. Jackson's "Ground 1" is nothing
9 more than a meritless claim that the Nevada Revised Statutes used to convict him are void due
10 to the failure to contain enacting clauses and therefore, are constitutionally failed. This tired,
11 vapid, recycled claim is entirely unconvincing and unsupported by law. It is well-established
12 that "Statutes are presumed to be valid, and the challenger bears the burden of showing that a
13 statute is unconstitutional." Halverson v. Secretary of State, 124 Nev. 484, 487, 186 P.3d 893,
14 896 (2008); Nevadans for Nevada v. Beers, 122 Nev. 930, 939, 142 P.3d 339, 345 (2006);
15 Sheriff. v. Burdg, 118 Nev. 853, 857, 59 P.3d 484, 486 (2002). The Statutes of Nevada contain
16 the laws with the enacting clauses required by the Nevada Constitution and the Nevada
17 Revised Statutes are the official codified version of the Statutes of Nevada. See NRS
18 220.170(3). The Nevada Revised Statutes reproduce the laws of Nevada as compiled,
19 organized, and revised by the Legislative Counsel. NRS 220.110; NRS 220.120. See Willing
20 v. State, 2016 Nev. App. LEXIS 110 (2016) (attached as Exhibit 1 pursuant to NRAP
21 36(c)(3)).¹

22 Jackson's "Ground 2" claims that because "there was no findings made by a jury nor
23 admitted by defendant," "the District Court unconstitutionally enhanced" his sentence.
24 Motion at 25. However, as Jackson entered into a bargained-for Guilty Plea Agreement, his
25 claim is entirely unavailing. Additionally, such claims are not cognizable outside of NRS
26 Chapter 34. As a general rule, a post-conviction petition for a writ of habeas corpus is the

27
28 ¹ NRAP 36(c)(3) states that "A party may cite for its persuasive value, if any, an unpublished disposition issued by this court on or after January 1, 2016." See also MB America Inc. v. Alaska Pacific Leasing Company, 123 Nev. Ad. Op. 8, 15, n.1 (Feb. 4, 2016) (allowing citation to unpublished orders, entered on or after January 1, 2016, for their persuasive value).

1 exclusive remedy for challenging the validity of a conviction or sentence aside from direct
2 review of a judgment of conviction on appeal and remedies which are incident to the
3 proceedings in the trial court. Harris v. State, 130 Nev. __, __, 329 P.3d 619, 621 (2014)
4 (internal quotations omitted); NRS 34.724(2)(a). "Pursuant to NRS 34.724(2)(b), a post-
5 conviction petition for a writ of habeas corpus comprehends and takes the place of all other
6 common-law, statutory, or other remedies which have been available for challenging the
7 validity of the conviction or sentence, and must be used exclusively in place of them." Harris,
8 130 Nev. at __, 329 P.3d at 626 (internal quotations omitted). Because the substance of
9 Jackson's claims are wholly without merit, his Motion should be denied.

10 **II. Jackson's Motion to Appoint Counsel should be denied.**

11 The United States Constitution and Nevada Constitution do not provide for a right to
12 counsel in post-conviction proceedings. See Coleman v. Thompson, 501 U.S. 722, 752, 111
13 S. Ct. 2546, 2566 (1991); McKague v. Warden, 112 Nev. 159, 163, 912 P.2d 255, 258 (1996).

14 NRS 34.750 provides that a court has discretion to appoint post-conviction counsel:

15 [a] petition may allege that the petitioner is unable to pay the costs
16 of the proceedings or employ counsel. If the court is satisfied that
17 the allegation of indigency is true *and the petition is not dismissed*
18 *summarily*, the court may appoint counsel at the time the court
orders the filing of an answer and a return. In making its
determination, the court may consider, among other things, the
severity of the consequences facing the petitioner and whether:

- 19 (a) The issues are difficult;
20 (b) The petitioner is unable to comprehend the
proceedings; or
(c) Counsel is necessary to proceed with discovery.

21 NRS 34.750 (emphasis added). Additionally, the Nevada Supreme Court has concluded a
22 petitioner "must show that the requested review is not frivolous before he may have an attorney
23 appointed." Peterson v. Warden, 87 Nev. 134, 136, 483 P.2d 204, 205 (1971) (citing former
24 statute NRS 177.345(2)).

25 Jackson is not entitled to appointment of counsel because his assertions are wholly
26 without merit and he has failed to demonstrate that his claims are not frivolous and will not be
27 summarily dismissed. Thus, Jackson's Motion should be denied.

28 //

1 CONCLUSION

2 Based on the foregoing reasons, Jackson's a Motion to Modify and/or Correct by
3 Setting Aside Illegal Sentence and Motion to Appoint Counsel should be DENIED.

4 DATED this 12th day of July, 2016.

5 Respectfully submitted,

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

9 BY

10 STEVEN S. OWENS
11 Chief Deputy District Attorney
12 Nevada Bar #004352

13 CERTIFICATE OF MAILING

14 I hereby certify that service of the above and foregoing was made this 12th day of July,
15 2016, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

16 CEDRIC LEROB JACKSON #1130512
17 SOUTHERN DESERT CORRECTIONAL CENTER
18 P.O. BOX 208
19 INDIAN SPRINGS, NV 89070-0208

20 BY

21 

22 R. JOHNSON
23 Secretary for the District Attorney's Office
24
25
26
27

28 FL/SSO/rj/M-1


CLERK OF THE COURT

ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MEGAN THOMSON
Chief Deputy District Attorney
Nevada Bar #011002
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CEDRIC LEROB JACKSON,
#1581340

Defendant.

CASE NO: 10C265339-1

DEPT NO: X

ORDER DENYING DEFENDANT'S PRO PER MOTION
TO APPOINT COUNSEL

ORDER DENYING DEFENDANT'S PRO PER MOTION
TO MODIFY AND/OR CORRECT BY SETTING ASIDE ILLEGAL SENTENCE
BASED UPON LACK OF SUBJECT MATTER JURISDICTION

DATE OF HEARING: JULY 13, 2016
TIME OF HEARING: 8:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 13th day of July, 2016, the Defendant not being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through MEGAN THOMSON, Chief Deputy District Attorney, without argument, based on the pleadings and good cause appearing therefor,



As to the Defendant's Pro Per Motion to Withdraw Counsel, Counsel is no longer on the case, MOOT.

//

1 IT IS HEREBY ORDERED that the Defendant's Pro Per Motion to Appoint Counsel,
2 shall be, and it is DENIED.

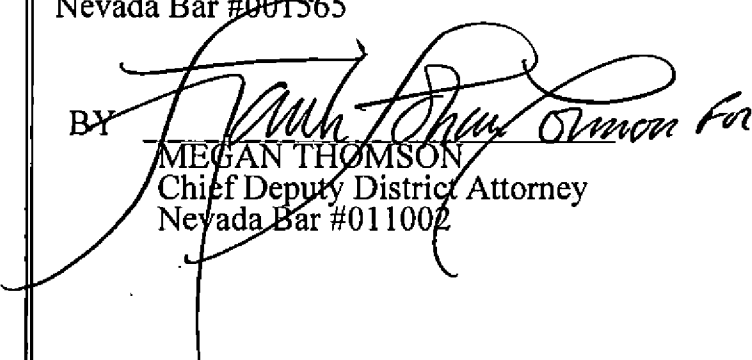
3 IT IS HEREBY ORDERED that the Defendant's Pro Per Motion to Modify and/or
4 Correct by Setting Aside Illegal Sentence Based Upon Lack of Subject Matter Jurisdiction,
5 shall be, and it is DENIED.

6 DATED this 4 day of August, 2016.

7 
8 DISTRICT JUDGE 

9 STEVEN B. WOLFSON
10 Clark County District Attorney
11 Nevada Bar #001565

12 BY


13 MEGAN THOMSON
14 Chief Deputy District Attorney
15 Nevada Bar #011002
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1 CERTIFICATE OF SERVICE

2 I certify that on the 8th day of August, 2016, I mailed a copy of the foregoing Order

3 to:

4 CEDRIC LEROB JACKSON #1130512
5 SOUTHERN DESERT CORRECTIONAL CENTER
6 P.O. BOX 208
7 INDIAN SPRINGS, NV 89070-0208

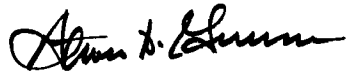
8 BY



R. JOHNSON

Secretary for the District Attorney's Office

28 rj/M-1


CLERK OF THE COURT

ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MEGAN THOMSON
Chief Deputy District Attorney
Nevada Bar #011002
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CEDRIC LEROB JACKSON,
#1581340

Defendant.

CASE NO: 10C265339-1

DEPT NO: X

ORDER DENYING DEFENDANT'S "EX PARTE MOTION" MOTION AND ORDER
FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR, IN THE
ALTERNATIVE, FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE

DATE OF HEARING: JULY 27, 2016
TIME OF HEARING: 8:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the
27th day of July, 2016, the Defendant not being present, IN PROPER PERSON, the Plaintiff
being represented by STEVEN B. WOLFSON, District Attorney, through MEGAN
THOMSON, Chief Deputy District Attorney, without argument, based on the pleadings and
good cause appearing therefor,

///

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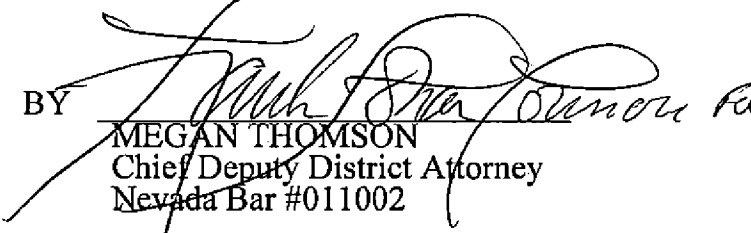
1 COURT advised it has previously denied all of Defendant's motions, therefore, IT IS
2 HEREBY ORDERED that the Defendant's "Ex Parte Motion" Motion and Order for
3 Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by
4 Telephone or Video Conference, shall be, and it is DENIED as being MOOT.

5 DATED this 19 day of August, 2016.

6
7 
DISTRICT JUDGE *But*

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

10
11 BY


12 MEGAN THOMSON
13 Chief Deputy District Attorney
14 Nevada Bar #011002
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1 CERTIFICATE OF SERVICE

2 I certify that on the 23rd day of August, 2016, I mailed a copy of the foregoing Order

3 to:

4 CEDRIC LEROB JACKSON #1130512
5 SOUTHERN DESERT CORRECTIONAL CENTER
6 P.O. BOX 208
7 INDIAN SPRINGS, NV 89070-0208

8 BY



9 R. JOHNSON

10 Secretary for the District Attorney's Office

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28 jr for rj/M-1

1 Cedric Jackson #1130512

2 In Propria Personam

3 Post Office Box 208, S.D.C.C.

4 Indian Springs, Nevada 89018

Stamp filed
copy Requested

Electronically Filed
11/14/2016 01:26:56 PM

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

6 IN AND FOR THE COUNTY OF Clark CLERK OF THE COURT

7
8
9 The State of Nevada

10 Plaintiff,

11 vs.

12 Cedric L. Jackson

13 #1130512

Defendant.

Case No. C2105334-1

Dept. No. X

Docket _____

14
15
16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,
18 Cedric Jackson, 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 modify & correct illegal sentence

22
23 ruled on the 27 day of July, 20 16.

24
25 Dated this 1 day of November, 20 16.

26 Respectfully Submitted,
27 _____

28 RECEIVED

NOV 10 2016

CLERK OF THE COURT

CLERK OF THE COURT

RECEIVED
NOV 14 2016

#53

Cedric Jackson #1130512
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070-0208

IN THE 8 JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF _____

The State of Nevada
Plaintiff,

vs.

Cedric Jackson #1130512
Defendant.

CASE No. C265334-1
DEPT. No. X

DESIGNATION OF RECORD ON APPEAL

TO: Steven D. Grierson
206 Lewis Avenue 3rd Floor
Las Vegas NV 89155-1160

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 1st day of November, 2016.

RESPECTFULLY SUBMITTED BY:

Cf Cedric Jackson
#1130512

Plaintiff/In Propria Persona

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NOV 10 2016
CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, Cedric Jackson, hereby certify, pursuant to NRCP 5(b), that on this 1st
day of November, 2016, I mailed a true and correct copy of the foregoing, "Motion to
correct illegal sentence"
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
200 Lewis Ave 3rd floor
Las Vegas NV 89155-1160

CC:FILE

DATED: this 1st day of November, 2016.

Cedric Jackson #1130512
/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

Correct illegal sentence
(Title of Document)

filed in District Court Case number C26533A-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.

CJ
Signature

11-1-16
Date

Cedric Jackson
Print Name

PROSE
Title

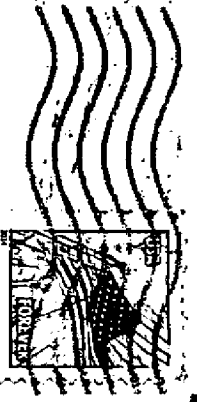
Mr. C. Jackson #1130512

P.O. Box 208

Indian Springs NV 89070

LAS VEGAS NV 890

09 NOV 2016 PM 5 L

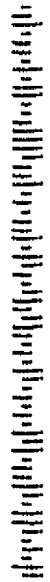


Mr. Steven D. Harrison

200 Lewis Ave 3rd Floor

Las Vegas NV 89155-1160

8915534501 0000

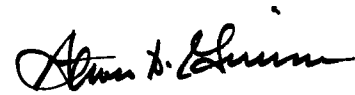


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Outgoing Mail

NOV - 9 2016

Indian Springs
Correctional Center



CLERK OF THE COURT

ASTA

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

STATE OF NEVADA,

Plaintiff(s),

vs.

CEDRIC L. JACKSON aka CEDRIC JACKSON,

Defendant(s),

Case No: 10C265339-1

Dept No: X

CASE APPEAL STATEMENT

1. Appellant(s): Cedric Jackson

2. Judge: Jessie Walsh

3. Appellant(s): Cedric Jackson

Counsel:

Cedric Jackson #1130512
P.O. Box 208
Indian Springs, NV 89070

4. Respondent: The State of Nevada

Counsel:

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. Appellant 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: June 14, 2010

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 15 day of November 2016.

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: Cedric Jackson

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COPY REQUESTED

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DISTRICT COURT
CLARK COUNTY, NEVADA

PPW
DA
PP

Allen B. Johnson
CLERK OF THE COURT

CEDRICK JACKSON,
PETITIONER,
VS
JO GENTRY, WARDEN, ET AL.,
THE STATE OF NEVADA,
RESPONDENTS

CASE # 265339
DEPT #

MEMORANDUM IN SUPPORT OF PETITION FOR
WRIT OF HABEAS CORPUS (POST-CONVICTION)

COMES NOW, CEDRICK JACKSON, PETITIONER, IN PROPER PERSON, AND
HEREBY SUBMITS HIS MEMORANDUM IN SUPPORT OF HIS PETITION FOR WRIT OF
HABEAS CORPUS (POST-CONVICTION).

THIS MEMORANDUM IS MADE AND BASED UPON ALL THE PAPERS AND PLEADINGS
ON FILE, THE ARGUMENT IN POINTS AND AUTHORITIES HEREIN AND ANY ORAL ARGUMENT
TO BE MADE AT THE TIME OF HEARING IN THIS MATTER.

Argument / Points and Authorities

1. THE DISTRICT COURT ERRED BY IMPOSING A HARSH SENTENCE FOR THE
WEAPON ENHANCEMENT WITHOUT A JURY DETERMINATION OF THE AGGRAVATING
FACTORS USED TO INCREASE THE PUNISHMENT IN VIOLATION OF MY FIFTH AND
FOURTEENTH AMENDMENT RIGHT UNDER THE U.S. CONSTITUTION.

IN THIS CASE, I CONTEND THAT THE DISTRICT COURT UNCONSTITUTIONALLY
ENHANCED MY SENTENCE FOR THE WEAPON ENHANCEMENT, UNDER NRS 193.
165, AS THERE WERE NO FINDINGS MADE BY A JURY NOR ADMITTED BY ME,
IN VIOLATION OF MY 5TH AND 14TH AMENDMENT RIGHTS GUARANTEED BY THE
NEVADA AND UNITED STATES CONSTITUTIONS.

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CLERK OF THE COURT

I MAINTAIN THAT I WAS NOT PROPERLY CANVASSED AS TO THE EXTENDED AND ENHANCED PORTION OF MY SENTENCE AND THAT THE GUILTY PLEA CONTAINED NO FINDINGS OF FACTS REGARDING THE WEAPON ENHANCEMENT. THE COURT WILL NOT ASSUME THAT A DEFENDANT WAIVED THE RIGHT TO HAVE A JURY DETERMINE THE AGGRAVATING FACTORS BY ENTERING A GUILTY PLEA, UNLESS THE RECORD SHOWS THAT HE KNEW, FIRST, THAT HE HAD THE RIGHT TO HAVE A JURY DETERMINE THE AGGRAVATING FACTORS AND, SECOND, THAT BY PLEADING GUILTY, HE WAS WAIVING THAT RIGHT. *State v. Ross*?

FIRST, COURTS ARE REQUIRED TO GIVE RETROACTIVE EFFECT TO NEW SUBSTANTIVE RULES OF CONSTITUTIONAL LAW. SUBSTANTIVE RULES INCLUDE "RULES FORBIDDING CRIMINAL PUNISHMENT OF CERTAIN PRIMARY CONDUCT", AS WELL AS "RULES PROHIBITING A CERTAIN CATEGORY OF PUNISHMENT FOR A CLASS OF DEFENDANTS BECAUSE OF THEIR STATUS OR OFFENSE". SEE *PENRY V. LYNNAUGH*, 492 U.S. 302 (1989); ALSO *TEAGUE V. LANE*, 489 U.S. 288 (1989).

THE U.S. SUPREME COURT HAS RECOGNIZED THAT SUBSTANTIVE RULES "ARE MORE ACCURATELY CHARACTERIZED AS... NOT SUBJECT TO THE BAR". ~~See~~ SEE *SCHIRO V. SUMMERLIN*, 542 U.S. 348 (2004). SUBSTANTIVE RULES SET FORTH CATEGORICAL CONSTITUTIONAL GUARANTEES THAT PLACE CERTAIN CRIMINAL LAWS AND PUNISHMENTS ALTOGETHER BEYOND THE STATES POWER TO IMPOSE. IT FOLLOWS THAT WHEN A STATE (DISTRICT COURT) ENFORCES A PROSCRIPTION OR PENALTY BARRED BY THE CONSTITUTION, THE RESULTING CONVICTION OR SENTENCE IS, BY DEFINITION, UNLAWFUL.

THE DISTRICT COURT IN MY CASE ERRED BECAUSE THE U.S. SUPREME COURT'S PRECEDENTS ADDRESSING THE NATURE OF SUBSTANTIVE RULES, THEIR DIFFERENCES FROM PROCEDURAL RULES, AND THEIR HISTORY OF RETROACTIVE APPLICATION ESTABLISH THAT THE CONSTITUTION REQUIRES SUBSTANTIVE RULES TO HAVE RETROACTIVE EFFECT REGARDLESS OF WHEN A CONVICTION BECAME FINAL.

SEE *MONTGOMERY V. LOUISIANA*, 577 U.S. (2016).

IN MY CASE, AT SENTENCING, THE COURT KNEW OR SHOULD HAVE KNOWN, THAT NO PROPER FINDINGS WERE MADE BY A JURY REGARDING THE WEAPON ENHANCEMENT PROVISION OF NRS 193.165 WHICH WAS REQUIRED BY NRS 193.165(3). DESPITE THIS FACT, THE DISTRICT COURT, NONETHELESS, IMPOSED AN ENHANCED SENTENCE BY ADDING A CONSECUTIVE PRISON TERM OF FOUR (4) TO TWELVE (12) YEARS AND TWELVE (12) TO THIRTY (30) MONTHS FOR THE WEAPON ENHANCEMENT.

THE NEVADA SUPREME COURT HAS HELD THAT "THE PRESCRIBED FACT REQUIRED" BY NRS 193.165(3) IS CLEARLY A JURY QUESTION. *ZOMBIC V. STATE*, 106 NEV. 571 (1990) (THE TRIER OF FACTS WILL HAVE TO DETERMINE IF THE WEAPON WAS A NECESSARY ELEMENT"...). IN THE ABSENCE OF A FACTUAL FINDING BY A JURY, THE DISTRICT COURT FAR EXCEEDED ITS AUTHORITY BY ENHANCING MY SENTENCE. IN FACT, MY SENTENCE IS DISPROPORTIONATE TO A MORE CULPABLE CO-DEFENDANT'S PRISON SENTENCE.

THE DISTRICT COURT ERRED ON THIS ENHANCEMENT ISSUE AS A MATTER OF LAW AND FACT.

I ASSERT THAT MY CLAIM OF ENTITLEMENT TO JURY TRIAL ON FACTS USED BY THE SENTENCING COURT TO JUSTIFY THE ENHANCEMENT WAS APPARENT ON ITS FACE IN THE RECORD AND WOULD BE CONSIDERED ON APPEAL DESPITE DEFENDANT'S FAILURE TO PRESERVE SUCH CLAIM AT TRIAL. SEE *BLAKELY V. WASHINGTON*, (2004); ALSO *APPENDI V. NEW JERSEY*,

(2000) (A COURT MAY NOT RELY ON UNPROVEN OR UNADMITTED FACTS

WHEN IMPOSING AN ENHANCED OR EXCEPTIONAL SENTENCE, THE FINAL AGGRAVATING FACTOR WAS THE USE OF A DANGEROUS INSTRUMENT OR DEADLY WEAPON. THE MURDER OFFENSE WAS CHARGED ^{WITH} ENHANCEMENT AND THE ATTEMPT MURDER WAS ALSO ENHANCED, ALTHOUGH IT WAS NOT CLEAR BECAUSE THE INDICTMENT DID NOT SPECIFY THE BASIS OF THE NATURE OF THE OFFENSE, WHEN THE TRIAL COURT RELIES ON AN IMPROPER FACTOR AND THE SUPREME COURT IS NOT CERTAIN THAT IT WOULD HAVE IMPOSED THE SAME SENTENCE ABSENT THAT FACTOR, THE DISTRICT COURT MUST REMAND FOR VACATING THE ENHANCEMENT PURSUANT TO *BLAKELY* AND ORDER A RESENTENCING WITHOUT THE WEAPON ENHANCEMENT.

THE DISTRICT COURT ERRED DUE TO THE STATED FACTS ABOVE AND I ASK FOR IMMEDIATE RELIEF ON THIS GROUND.

2. My lawyer was ineffective when he failed to object to the imposition of the enhanced prison term when he knew or should have known that the jury needed to determine aggravating factors before sentencing in violation of my 6th Amendment right to effective counsel.

It is well settled that the right to the effective assistance of counsel applies to certain steps before trial. The Sixth Amendment guarantees a defendant the right to have counsel present at all critical stages of the criminal proceedings. Critical stages include arraignments, post-indictment interrogatories, post-indictment lineups, and the entry of a guilty plea. See *Missouri v. Frye*, 132 S.Ct. 1399 (2012); *Montejo v. Louisiana*, 129 S.Ct. 2079 (the Sixth Amendment right to effective assistance of counsel extends to the consideration of plea offers that lapse or are rejected).

In my case, my lawyer's performance was deficient, unreasonable and prejudicial when he failed to object and challenge the imposition of the enhanced sentence penalty. My lawyer advised me to take a plea deal that was not beneficial to me due to the weapon enhancements that followed the primary prison terms, all to run consecutively, when my co-defendant received a lesser amount of prison time for more culpable behavior and involvement.

Counsel knew or should have known that the jury needed to determine the aggravating factors before sentencing. The law governing the basic function of a criminal defense attorney to investigate the facts is well established. Counsel must, at a minimum, conduct a reasonable investigation enabling him to make informed decisions about how best to represent his client. See *Bennet v. Cate*, 2010 U.S. App. Lexis 26503 (9th Cir) 2010; *Halbert v. Michigan*, 125 S.Ct. 2582; *Glover v. United States*, 121 S.Ct. 696; also *Archer v. Cooper*, 132 S.Ct. 1376 (2012).

My counsel's ineffective assistance prejudiced me with the failure to argue for a more favorable prison term than my co-defendant received in this same case. My sentence and conviction must be vacated and remanded due to these facts.

3. MY LAWYER WAS INEFFECTIVE WHEN HE FAILED TO INFORM ME THAT I ONLY HAD ONE (1) YEAR TO RAISE MY APPELLATE ISSUES IN A STATE POST-CONVICTION PETITION IN VIOLATION OF MY 6TH AMENDMENT RIGHT TO THE EFFECTIVE ASSISTANCE OF COUNSEL.

I CONTEND THAT MY FORMER COUNSEL, DAN M. WINDER, NEVER INFORMED ME THAT I HAD ONLY ONE YEAR FROM THE TIME OF MY JUDGMENT OF CONVICTION DATE TO RAISE MY APPELLATE ISSUES IN A STATE POST-CONVICTION PETITION. THIS FAILURE TO ADVISE ME HAD A DIRECT CORRELATION WITH THE CONSEQUENCES OF ENTERING INTO AN ENSUING GUILTY PLEA. SEE HILL V. LOCKART, 106 S. CT. 366 (1985); AND PADILLA V. KENTUCKY, 130 S. CT. 1473 (2010).

IN ORDER FOR CONSTITUTIONAL GUARANTEES TO BE REALIZED, CRIMINAL DEFENDANTS REQUIRE EFFECTIVE COUNSEL DURING AND AFTER PLEA NEGOTIATIONS. "ANYTHING LESS ... MIGHT DENY A DEFENDANT 'EFFECTIVE REPRESENTATION BY COUNSEL AT THE ONLY STAGE WHEN LEGAL ADVICE WOULD HELP HIM', SEE ARGERSINGER V. HAMLIN, 92 S. CT. 2006 (1972) (GUILTY PLEA). (QUOTING SPANO V. NEW YORK, 79 S. CT. 1202 (1959)).

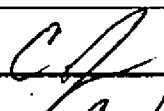
COUNSEL'S FAILURE TO PROPERLY ADVISE ME OF THE ONE YEAR LIMIT CAUSED ME EXTREME PREJUDICE BECAUSE THAT FAILURE, WHILE HE WAS STILL MY COUNSEL IN SEPTEMBER, 2016, MADE ME BELIEVE THAT I STILL HAD AMPLE TIME TO RAISE NEW GROUNDS. WHERE SPECIFIC ALLEGATIONS BEFORE THE COURT SHOW REASON TO BELIEVE THAT THE HABEAS PETITIONER MAY, IF THE FACTS ARE FULLY DEVELOPED, BE ABLE TO DEMONSTRATE THAT HE IS ENTITLED TO RELIEF, IT IS THE DUTY OF THE COURT TO PROVIDE THE NECESSARY FACILITIES AND PROCEDURES FOR AN ADEQUATE INQUIRY, AND RELIEF MAY BE GRANTED UPON A SHOWING OF "GOOD CAUSE". MY LAWYER'S FAILURE TO PROPERLY ADVISE ME OF THE TIMEFRAME CONSTITUTES GOOD CAUSE IN MY CASE BECAUSE, IF I HAD KNOWN OF THIS, I WOULD HAVE PREPARED AND FILED THE APPELLATE ARGUMENTS I NEEDED TO BEFORE THAT ONE YEAR RAN OUT. THE ERROR WAS NOT HARMLESS AND HAD A SUBSTANTIAL AND INJURIOUS EFFECT ON MY DEFENSE OF THE CHARGES. MY CONVICTION AND SENTENCE MUST BE REVERSED DUE TO THE STATED FACTS ABOVE.

CONCLUSION

THE FACTS STATED ABOVE DEMONSTRATE THAT MY COUNSEL OF RECORD WAS INEFFECTIVE IN HIS REPRESENTATION OF MY CASE AND THE DISPARITY OF THE SENTENCE I RECEIVED VERSUS THAT OF MY CO-DEFENDANT. DUE TO THESE FACTS, I BELIEVE THAT MY CONVICTION AND SENTENCE SHOULD BE REVERSED IN THIS MATTER.

Respectfully Submitted,

ON THIS 23 DAY OF DEC. 2016

BY: 
Cedric Jackson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT ON THIS DAY OF
I PLACED A CORRECT COPY OF THE FOREGOING MEMORANDUM IN SUPPORT OF
PETITION FOR WRIT OF HABEAS CORPUS IN THE U.S. MAIL, POSTAGE PREPAID AND
ADDRESSED TO THE FOLLOWING PARTIES:

① STEVEN GIMERSON

CLERK OF THE COURT

200 LEWIS AVE., 3RD FLOOR

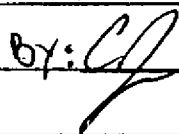
LAS VEGAS, NV 89155-1160

② STEVE WOLFSON

OFFICE OF THE DISTRICT ATTY.

200 LEWIS AVENUE

LAS VEGAS, NV 89155-2212

BY: 

PPOW
DA
PP

CEDRICK JACKSON #1130912
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070

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IN THE EIGHTH JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF CLARK

Alvin D. Blum
CLERK OF THE COURT

CEDRICK JACKSON

Petitioner,

vs.

JO GENTRY, WARDEN, ET AL.,
THE STATE OF NEVADA

Respondent(s).

Case No. C265339

Dept. No. _____

Docket _____

PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

INSTRUCTIONS:

- (1) This petition must be legibly handwritten or typewritten signed by the petitioner and verified.
- (2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the department of corrections, name the warden or head of the institution. If you are not in a specific institution of the department within its custody, name the director of the department of corrections.
- (5) You must include all grounds or claims for relief which you may have regarding your conviction and sentence.

CLERK OF THE COURT

JAN 06 2017

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CLERK OF THE COURT

DEC 30 2016

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1 Failure to raise all grounds in this petition may preclude you from filing future petitions
2 challenging your conviction and sentence.

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

8 (7) If your petition challenges the validity of your conviction or sentence, the original and one
9 copy must be filed with the clerk of the district court for the county in which the conviction
10 occurred. Petitions raising any other claim must be filed with the clerk of the district court for the
11 county in which you are incarcerated. One copy must be mailed to the respondent, one copy to the
12 attorney general's office, and one copy to the district attorney of the county in which you were
13 convicted or to the original prosecutor if you are challenging your original conviction or sentence.
14 Copies must conform in all particulars to the original submitted for filing.

15 PETITION

16 1. Name of institution and county in which you are presently imprisoned or where and who you
17 are presently restrained of your liberty: SOUTHERN DESERT CORRECTIONAL CENTER, CLARK COUNTY

18 2. Name the location of court which entered the judgment of conviction under attack: _____
19 EIGHTH JUDICIAL DISTRICT COURT, CLARK COUNTY, NV

20 3. Date of judgment of conviction: _____

21 4. Case number: C265339

22 5. (a) Length of sentence: 10-25 + 4-12, 2-15 + 18-30

23 (b) If sentence is death, state any date upon which execution is scheduled: N/A

24 6. Are you presently serving a sentence for a conviction other than the conviction under attack in
25 this motion:

26 Yes _____ No ☒ If "Yes", list crime, case number and sentence being served at this time: _____

27 7. Nature of offense involved in conviction being challenged: _____

1 8. What was your plea? (Check one)

2 (a) Not guilty ☐

3 (b) Guilty ☐

4 (c) Nolo contendere ☐

5 9. If you entered a guilty plea to one count of an indictment or information, and a not guilty plea
6 to another count of an indictment or information, or if a guilty plea was negotiated, give details: _____
7 _____
8 _____

9 10. If you were found guilty after a plea of not guilty, was the finding made by: (check one)

10 (a) Jury ☐

11 (b) Judge without a jury ☐

12 11. Did you testify at trial? Yes ☐ No ☐

13 12. Did you appeal from the judgment of conviction?

14 Yes ☐ No ☐

15 13. If you did appeal, answer the following:

16 (a) Name of court:

17 (b) Case number or citation:

18 (c) Result:

19 (d) Date of appeal:

20 (Attach copy of order or decision, if available).

21 14.) If you did not appeal, explain briefly why you did not: _____
22 _____
23 _____

24 15. Other than a direct appeal from the judgment of conviction and sentence, have you previously
25 filed any petitions, applications or motions with respect to this judgment in any court, state or
26 federal? Yes ☐ No ☐

27

28

1 16. If your answer to No 15 was "Yes", give the following information:

2 (a) (1) Name of court: _____

3 (2) Nature of proceedings: _____

4 _____

5 (3) Grounds raised : _____

6 _____

7 _____

8 (4) Did you receive an evidentiary hearing on your petition, application or motion?

9 Yes ____ No ____

10 (5) Result: _____

11 (6) Date of result: _____

12 (7) If known, citations of any written opinion or date of orders entered pursuant to each
13 result: _____

14 (b) As to any second petition, application or motion, give the same information:

15 (1) Name of Court: _____

16 (2) Nature of proceeding: _____

17 (3) Grounds raised: _____

18 (4) Did you receive an evidentiary hearing on your petition, application or motion?

19 Yes ____ No ____

20 (5) Result: _____

21 (6) Date of result: _____

22 (7) If known, citations or any written opinion or date of orders entered pursuant to each
23 result: _____

24 (c) As to any third or subsequent additional application or motions, give the same
25 information as above, list them on a separate sheet and attach.

26

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28

1 (d) Did you appeal to the highest state or federal court having jurisdiction, the result or action
2 taken on any petition, application or motion?

3 (1) First petition, application or motion?

4 Yes ____ No ____

5 Citation or date of decision: _____

6 (2) Second petition, application or motion?

7 Yes ____ No ____

8 Citation or date of decision: _____

9 (e) If you did not appeal from the adverse action on any petition, application or motion,
10 explain briefly why you did not. (You may relate specific facts in response to this question. Your
11 response may be included on paper which is 8 1/2 x 11 inches attached to the petition. Your response
12 may not exceed five handwritten or typewritten pages in length). _____

13 _____
14 _____
15 17. Has any ground being raised in this petition been previously presented to this or any other
16 court by way of petition for habeas corpus, motion or application or any other post-conviction
17 proceeding? If so, identify:

18 (a) Which of the grounds is the same: _____

19 _____
20 (b) The proceedings in which these grounds were raised: _____

21 _____
22 (c) Briefly explain why you are again raising these grounds. (You must relate specific facts
23 in response to this question. Your response may be included on paper which is 8 1/2 x 11 inches
24 attached to the petition. Your response may not exceed five handwritten or typewritten pages in
25 length). _____

1 18. If any of the grounds listed in Nos. 23(a), (b), (c), and (d), or listed on any additional pages
2 you have attached, were not previously presented in any other court, state or federal, list briefly what
3 grounds were not so presented, and give your reasons for not presenting them. (You must relate
4 specific facts in response to this question. Your response may be included on paper which is 8 1/2 x
5 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten
6 pages in length). _____
7 _____

8 19. Are you filing this petition more than one (1) year following the filing of the judgment of
9 conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay.
10 (You must relate specific facts in response to this question. Your response may be included on
11 paper which is 8 1/2 x 11 inches attached to the petition. Your response may not exceed five
12 handwritten or typewritten pages in length). _____
13 _____
14 _____

15 20. Do you have any petition or appeal now pending in any court, either state or federal, as to the
16 judgment under attack?

17 Yes ____ No ____

18 If "Yes", state what court and the case number: _____
19 _____

20 21. Give the name of each attorney who represented you in the proceeding resulting in your
21 conviction and on direct appeal: _____
22 _____
23 _____

24 22. Do you have any future sentences to serve after you complete the sentence imposed by the
25 judgment under attack?

26 Yes ____ No ____ If "Yes", specify where and when it is to be served, if you know: _____
27 _____
28 _____

1 Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating
2 additional grounds and facts supporting same.

3 23. (a) GROUND ONE: THE DISTRICT COURT ERRED BY IMPOSING A HARSH
4 SENTENCE FOR THE WEAPON ENHANCEMENT WITHOUT A JURY DETERMINATION OF THE
5 AGGRAVATING FACTORS USED TO INCREASE THE PUNISHMENT IN VIOLATION OF MY
6 5TH AND 14TH AMENDMENT RIGHTS UNDER THE U.S. CONSTITUTION.

7 23. (a) SUPPORTING FACTS (Tell your story briefly without citing cases or law): _____

8
9 * SEE MEMORANDUM IN SUPPORT OF PETITION (ATTACHED)

1 23. (b) GROUND TWO: MY LAWYER WAS INEFFECTIVE WHEN HE FAILED TO OBJECT
2 TO THE IMPOSITION OF THE ENHANCED PRISON TERM WHEN HE KNEW OR SHOULD HAVE
3 HAVE KNOWN THAT THE JURY NEEDED TO DETERMINE AGGRAVATING FACTORS BEFORE SENTENCING
4 IN VIOLATION OF MY 6TH AMENDMENT RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL.

5 23. (b) SUPPORTING FACTS (Tell your story briefly without citing cases or law): _____

6
7 * SEE MEMORANDUM IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS (ATTACHED)
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23. (c) GROUND THREE: My lawyer was ineffective when he failed to
inform me that I only had one (1) year to raise my appellate issues
in a state post-conviction petition, in violation of my 6th Amendment right to
the effective assistance of counsel.

23. (c) SUPPORTING FACTS (Tell your story briefly without citing cases or law):

* SEE MEMORANDUM IN SUPPORT OF PETITION (ATTACHED)


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23. (d) GROUND FOUR: _____

23. (d) SUPPORTING FACTS (Tell your story briefly without citing cases or law): _____


1 WHEREFORE, PETITIONER, prays that the court grant HABEAS CORPUS
2 relief to which he may be entitled in this proceeding.

3 EXECUTED at SOUTHERN DESERT CORRECTIONAL CENTER
4 on the 23 day of Dec, 2016.

5
6 
7 Signature of Petitioner

8 VERIFICATION

9 Under penalty of perjury, pursuant to N.R.S. 208.165 et seq., the undersigned declares that he is
10 the Petitioner named in the foregoing petition and knows the contents thereof, that the pleading is
11 true and correct of his own personal knowledge, except as to those matters based on information and
12 belief, and to those matters, he believes them to be true.

13
14 
15 Signature of Petitioner

16
17
18 Attorney for Petitioner

CERTIFICATE OF SERVICE BY MAILING

I, CEDRICK JACKSON, hereby certify, pursuant to NRCP 5(b), that on this 23
day of December, 2016, I mailed a true and correct copy of the foregoing, "PETITION FOR
WRIT OF HABEAS CORPUS WITH MEMORANDUM SUPPORTING PETITION"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

STEVEN GUERSON
CLERK OF THE COURT
200 LEWIS AVE., 3RD FLOOR
LAS VEGAS, NEVADA
89155-1160

STEVE WOLFSON
DISTRICT ATTORNEYS OFFICE
200 LEWIS AVENUE
LAS VEGAS, NEVADA
89155-2212

CC: FILE

DATED: this 23 day of December, 2016.

x Cedric Jackson #1130512
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 PETITION FOR

WRIT of HABEAS CORPUS WITH MEMORANDUM SUPPORTING PETITION
(Title of Document)

filed in District Court Case number C265339

☒ 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.

x Ciff
Signature

12.23.16
Date

x Cedric Jackson
Print Name

Pro Se PETITIONER
Title

Mr. Cedric Jackson #1130572

P.O. Box 208

Indian Springs NV 89070

3763

BS # 2183943

2 of 2

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STEVEN GRIFFINSON
Clerk of The Court
200 Lewis Ave., 3rd floor
LAS VEGAS, NV 89155-1160

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DISTRICT COURT
CLARK COUNTY, NEVADA

Allen D. Blum
CLERK OF THE COURT

THE STATE OF NEVADA VS CEDRIC L
JACKSON

CASE NO.: 10C265339-1
DEPARTMENT 10

NOTICE OF HEARING

Please be advised that the above-entitled matter has been scheduled for Petition for Writ of Habeas Corpus, to be heard by the Honorable JESSIE WALSH, at the Regional Justice Center, 200 Lewis Ave, Las Vegas, Nevada 89155, on the 25th day of January, 2017, at the hour of 8:30 AM, in RJC Courtroom 14B, Department 10.

YOUR PRESENCE IS NECESSARY

Dated: January 9, 2017

SPC
By: Susan Hann
Judicial Executive Assistant

CLERK OF THE COURT

RECEIVED
JAN 12 2017

#53

JESSIE WALSH
DISTRICT JUDGE
DEPARTMENT 10
LAS VEGAS, NV 89101

CERTIFICATE OF SERVICE

I hereby certify that on or about the date signed, a copy of this Order was electronically served and/or placed in the attorney's folders maintained by the Clerk of the Court and/or transmitted via facsimile and/or mailed, postage prepaid, by United States mail to the proper parties as follows:

Attorney General

Steven B Wolfson



Susan Hann
Judicial Executive Assistant
Department 10


CLERK OF THE COURT

RSPN
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
STEVEN S. OWENS
Chief Deputy District Attorney
Nevada Bar #004352
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-

CEDRIC LEROB JACKSON,
#1581340

Defendant.

CASE NO: 10C265339-1

DEPT NO: X

STATE'S RESPONSE TO DEFENDANT'S PETITION FOR WRIT OF HABEAS
CORPUS AND MEMO IN SUPPORT

DATE OF HEARING: JANUARY 25, 2017
TIME OF HEARING: 8:30 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through STEVEN S. OWENS, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Response to Defendant's Petition for Writ of Habeas Corpus and Memo in Support.

This response 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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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On June 16, 2010, the State of Nevada charged CEDRIC LEROB JACKSON
4 (hereinafter "Defendant") by way of Information as follows: COUNT 1 – Murder with Use
5 of a Deadly Weapon (Felony – NRS 200.010, 200.030, 193.165), COUNT 2 – Attempt Murder
6 with Use of a Deadly Weapon (Felony – NRS 200.010, 200.030, 193.330, 193.165), COUNT
7 3 – Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm (Felony –
8 NRS 200.481.2c), COUNT 4 – Attempt Murder with Use of a Deadly Weapon (Felony – NRS
9 200.010, 200.030, 193.330, 193.165), COUNT 5 – Assault with a Deadly Weapon (Felony –
10 NRS 200.471), COUNT 6 – Attempt Murder with Use of a Deadly Weapon (Felony – NRS
11 200.010, 200.030, 193.330, 193.165), COUNT 7 – Assault with a Deadly Weapon (Felony –
12 NRS 200.471), COUNT 8 – Conspiracy to Commit Murder (Felony – NRS 199.480, 200.100,
13 200.030), COUNT 9 – Discharging Firearm at or into Structure, Vehicle, Aircraft, or
14 Watercraft (Felony – NRS 202.285), and COUNT 10 – Discharging Firearm Out of Motor
15 Vehicle (Felony – NRS 202.287).

16 On September 17, 2014, pursuant to negotiations, the State filed an Amended
17 Information charging Defendant as follows: COUNT 1 – Second Degree Murder with Use of
18 a Deadly Weapon (Category A Felony – NRS 200.010, 200.030, 193.165 – NOC 50011) and
19 COUNT 2 – Attempt Murder with Use of a Deadly Weapon (Category B Felony – NRS
20 200.010, 200.030, 193.330, 193.165 – NOC 50031). That same day, Defendant pleaded guilty
21 to both counts in the Amended Information.

22 Defendant appeared before the District Court on November 14, 2014, and was
23 sentenced on COUNT 1 to a maximum of 25 years with a minimum parole eligibility of 10
24 years, plus a consecutive term of 12 years with a minimum parole eligibility of four years for
25 the Use of a Deadly Weapon, and on COUNT 2 to a maximum of 60 months with a minimum
26 parole eligibility of 24 months, plus a consecutive term of 30 months with a minimum parole
27 eligibility of 12 months for the Use of a Deadly Weapon, COUNT 2 to run concurrent with
28

COUNT 1. Defendant received 1,748 days credit for time served. The Judgment of Conviction was entered on November 21, 2014.

On June 22, 2016, Defendant filed a Motion to Modify and/or Correct by Setting Aside Illegal Sentence Based Upon Lack of Subject Matter Jurisdiction ("Motion to Modify"). The State filed its response to that motion on July 12, 2016. The District Court denied the motion July 13, 2016. On November 14, 2016, Defendant filed an untimely Notice of Appeal from that denial. The matter is still pending before the Nevada Supreme Court.

On January 1, 2017, Defendant filed the instant Petition for Writ of Habeas Corpus ("Petition"). The State now responds.

ARGUMENT

I. DEFENDANT'S PETITION IS PROCEDURALLY BARRED AND MUST BE DENIED.

Defendant's Petition for Writ of Habeas Corpus is time barred with no good cause shown for delay. Pursuant to NRS 34.726(1):

Unless there is good cause shown for delay, a petition that challenges the validity of a judgment or sentence must be filed within 1 year of the entry of the judgment of conviction or, if an appeal has been taken from the judgment, within 1 year after the Supreme Court issues its remittitur. For the purposes of this subsection, good cause for delay exists if the petitioner demonstrates to the satisfaction of the court:

- (a) That the delay is not the fault of the petitioner; and
- (b) That dismissal of the petition as untimely will unduly prejudice the petitioner.

The Supreme Court of Nevada has held that NRS 34.726 should be construed by its plain meaning. Pellegrini v. State, 117 Nev. 860, 873-74, 34 P.3d 519, 528 (2001). As per the language of the statute, the one-year time bar proscribed by NRS 34.726 begins to run from the date the judgment of conviction is filed or a remittitur from a timely direct appeal is filed. Dickerson v. State, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133-34 (1998).

The one-year time limit for preparing petitions for post-conviction relief under NRS 34.726 is strictly applied. In Gonzales v. State, 118 Nev. 590, 596, 53 P.3d 901, 904 (2002), the Nevada Supreme Court rejected a habeas petition that was filed two days late despite

1 evidence presented by the defendant that he purchased postage through the prison and mailed
2 the Notice within the one-year time limit.

3 Furthermore, the Nevada Supreme Court has held that the district court has a *duty* to
4 consider whether a defendant's post-conviction petition claims are procedurally barred. State
5 v. Eighth Judicial Dist. Court (Riker), 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). The
6 Riker Court found that "[a]pplication of the statutory procedural default rules to post-
7 conviction habeas petitions is mandatory," noting:

8 Habeas corpus petitions that are filed many years after conviction
9 are an unreasonable burden on the criminal justice system. The
10 necessity for a workable system dictates that there must exist a
time when a criminal conviction is final.

11 Id. Additionally, the Court noted that procedural bars "cannot be ignored [by the district court]
12 when properly raised by the State." Id. at 233, 112 P.3d at 1075. The Nevada Supreme Court
13 has granted no discretion to the district courts regarding whether to apply the statutory
14 procedural bars; the rules *must* be applied.

15 In the instant case, the Judgment of Conviction was filed on November 21, 2014, and
16 Defendant did not file a direct appeal. Thus, the one-year time bar began to run from this date.
17 The instant Petition was not filed until January 6, 2017, more than two years after the Judgment
18 of Conviction was entered and in excess of the one-year time frame. Absent a showing of
19 good cause for this delay and undue prejudice, Defendant's claim must be dismissed because
20 of its tardy filing.

21 A showing of good cause and prejudice may overcome procedural bars. "To establish
22 good cause, appellants *must* show that an impediment external to the defense prevented their
23 compliance with the applicable procedural rule. A qualifying impediment might be shown
24 where the factual or legal basis for a claim was not reasonably available at the time of default."
25 Clem v. State, 119 Nev. 615, 621, 81 P.3d 521, 525 (2003) (emphasis added). The Court
26 continued, "appellants cannot attempt to manufacture good cause[.]" Id. at 621, 81 P.3d at
27 526. In order to establish prejudice, the defendant must show "not merely that the errors of
28 [the proceedings] created possibility of prejudice, but that they worked to his actual and

substantial disadvantage, in affecting the state proceedings with error of constitutional dimensions.” Hogan v. Warden, 109 Nev. 952, 960, 860 P.2d 710, 716 (1993) (quoting United States v. Frady, 456 U.S. 152, 170, 102 S. Ct. 1584, 1596 (1982)). To find good cause there must be a “substantial reason; one that affords a legal excuse.” Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003) (quoting Colley v. State, 105 Nev. 235, 236, 773 P.2d 1229, 1230 (1989)). Clearly, any delay in the filing of the petition must not be the fault of the petitioner. NRS 34.726(1)(a).

Defendant has not even alleged good cause, and certainly has not demonstrated that an external impediment prevented his compliance with NRS 34.726(1).¹ Accordingly, because his Petition was not filed within the one-year timeframe and he has not shown good cause, the Petition must be denied.

II. DEFENDANT’S PETITION DOES NOT COMPLY WITH NRS 34.735 AND MUST BE DENIED.

NRS 34.735 requires that a defendant filing a post-conviction Petition for Writ of Habeas Corpus follow a specific format outlined within the statute. In the present case, Defendant has not met the relevant statutory requirement to file his petition in the proper form. NRS 34.735 sets forth twenty-three questions which a petitioner must answer when filing a Petition for Writ of Habeas Corpus. See Pangallo v. State, 112 Nev. 1533, 1535, 930 P.2d 100, 102 (1996). Defendant has failed to answer all 23 questions. Specifically, he has ignored the applicable questions regarding the nature of the offense involved in the conviction being challenged, what his plea was, whether he filed an appeal, if he did not file an appeal, why, whether he has previously filed any petitions, applications, or motions with respect to the judgment in this case, the details surrounding a prior filing, whether any ground presented in the instant Petition has previously been presented to this or any other court, why newly raised

¹ To the extent that Defendant’s final claim (that counsel was ineffective for failing to inform him of the procedural bars to post-conviction petitions) amounts to an allegation of good cause excusing his failure to file a timely petition, that claim, even if meritorious, does not amount to good cause. The Nevada Supreme Court has held that a claim of ineffective assistance of counsel may excuse a procedural default if counsel was “so ineffective as to violate the Sixth Amendment. However, in order to constitute adequate cause, the ineffective assistance of counsel claim itself must not be procedurally defaulted. In other words, a petitioner must demonstrate cause for raising the ineffective assistance of counsel claim in an untimely fashion.” State v. District Court (Riker), 121 Nev. 225, 112 P.3d 1070 (2005). Because Defendant has not provided good cause for his untimely filing of that ineffective assistance claim, that ineffective assistance claim cannot be considered good cause to excuse his untimely filing of the rest of the Petition.

1 issues were previously raised, reasons for the delay in his filing, whether he has a petition or
2 an appeal pending before any court regarding the judgment in this case, the name of the
3 attorney who represented him, and whether he has any future sentences to serve after he
4 completes the sentence imposed by the judgment in this case. Therefore, his Petition should
5 be denied for failing to meet the standard set forth by NRS 34.735.

6 **III. THE DISTRICT COURT DID NOT ERR IN IMPOSING A SENTENCE FOR**
7 **USE OF A DEADLY WEAPON.**

8 Defendant's first claim is that the District Court erred by imposing a consecutive
9 sentence on each of the two counts for use of a deadly weapon. Specifically, he argues that
10 such an enhancement sentence should not have been imposed without factual findings being
11 made by a jury or Defendant admitting to using a deadly weapon. Petition Memorandum at
12 1-3. He claims that neither happened and thus the sentence is illegal. *Id.* However, this issue
13 has already been adjudicated by this Court and *res judicata* prevents further review.
14 Additionally, this case involved a guilty plea and the right to trial by jury was waived, thus
15 Defendant's claim has no merit.

16 Moreover, in conjunction with claiming that there was no factual finding at the time of
17 the guilty plea (that he did not admit) Defendant claims that he was not properly canvassed as
18 to the enhancement portion of the sentence. Petition Memorandum at 2. This claim, though,
19 is belied by the record.

20 **A. This Claim Is Waived.**

21 In challenging the imposition of the consecutive sentence, Defendant has brought forth
22 a claim that should have been raised on direct appeal. As the claim was not raised in such a
23 proceeding, it is waived on post-conviction review.

24 NRS 34.810(1) reads:

25 The court shall dismiss a petition if the court determines that:

26 (a) The petitioner's conviction was upon a plea of guilty
27 or guilty but mentally ill and the petition is not based upon an
28 allegation that the plea was involuntarily or unknowingly or that
the plea was entered without effective assistance of counsel.

1 (b) The petitioner's conviction was the result of a trial
2 and the grounds for the petition could have been:

3 (2) Raised in a direct appeal or a prior petition for a writ of
4 habeas corpus or postconviction relief.

5 The Nevada Supreme Court has held that "challenges to the validity of a guilty plea and
6 claims of ineffective assistance of trial and appellate counsel must first be pursued in post-
7 conviction proceedings.... [A]ll other claims that are appropriate for a direct appeal must be
8 pursued on direct appeal, or they will be *considered waived in subsequent proceedings*."
9 Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added)
10 (disapproved on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999)). "A
11 court must dismiss a habeas petition if it presents claims that either were or could have been
12 presented in an earlier proceeding, unless the court finds both cause for failing to present the
13 claims earlier or for raising them again and actual prejudice to the petitioner." Evans v. State,
14 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001).

15 Since this claim does not challenge the validity of Defendant's guilty plea, nor does it
16 allege ineffective assistance of counsel, and Defendant did not raise it on a direct appeal from
17 the Judgment of Conviction, it must be deemed waived and must be denied.

18 **B. This Court Has Already Adjudicated This Matter.**

19 Even if this Court does entertain this claim, it falls under the doctrine of *res judicata*.
20 For an issue to fall under *res judicata*, it must have already been decided in a prior proceeding.
21 The following three conditions must be met: (1) the issue decided in the prior litigation must
22 be identical to the issue presented in the current action, (2) the initial ruling must have been
23 on the merits and have become final, and (3) the party against whom the judgment is asserted
24 must have been a party or in privity with a party to the prior litigation. Pulley v. Preferred
25 Risk Mutual Insurance, 111 Nev. 856, 858, 897 P.2d 1101, 1102-03 (1995).

26 When Defendant filed his Motion to Modify, he made the exact same claim that he
27 brings here. There, he stated that he "was not properly canvassed as to the extended or
28 enhanced portion of his sentence" and that "the guilty verdict contained no findings of facts
regarding the enhancement portion of" the sentence. Motion to Modify at 25. He then argued

**PLEADING
CONTINUES
IN NEXT
VOLUME**