

# IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed  
Jun 23 2022 02:16 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

CRAIG ALLEN RODGERS,  
Appellant(s),

vs.

WILLIAM HUTCHINGS, WARDEN;  
STEVEN B. WOLFSON, DISTRICT  
ATTORNEY; AND THE STATE OF  
NEVADA,  
Respondent(s),

Case No: A-20-820408-W

Docket No: 84822

# RECORD ON APPEAL VOLUME 3

ATTORNEY FOR APPELLANT  
CRAIG RODGERS #1221816,  
PROPER PERSON  
P.O. BOX 208  
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT  
STEVEN B. WOLFSON,  
DISTRICT ATTORNEY  
200 LEWIS AVE.  
LAS VEGAS, NV 89155-2212

A-20-820408-W     Craig Rodgers, Plaintiff(s) vs. William Hutchings Warden,  
Defendant(s)

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EXHIBIT

L

GUILTY PLEA AGREEMENT

AUGUST 6, 2019

8 PAGES

EXHIBIT

L

1 **GPA**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 STEVEN J. ROSE  
6 Deputy District Attorney  
7 Nevada Bar #013575  
8 200 Lewis Avenue  
9 Las Vegas, NV 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

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

AUG 06 2019

BY  
APRIL WATKINS DEPUTY

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 CRAIG RODGERS,  
13 #1680324

14 Defendant.

CASE NO: C-16-314359-1

DEPT NO: XXII

15 GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: SECOND DEGREE KIDNAPPING (Category B  
17 Felony - NRS 200.310, 200.330 - NOC 50075); ROBBERY (Category B Felony - NRS  
18 200.380 - NOC 50137); MAYHEM (Category B Felony - NRS 200.280 - NOC 50044); and  
19 PANDERING (Category C Felony - NRS 201.300.1 - NOC 51000), as more fully alleged in  
20 the charging document attached hereto as Exhibit "1".

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

23 The parties stipulate to jointly recommend an aggregate sentence of six (6) to twenty  
24 (20) years in the Nevada Department of Corrections. The parties agree the plea is conditioned  
25 upon the Court accepting the negotiations. The State agrees to dismiss case C316167 after  
26 rendition of sentence.

27 //

28 //

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 I understand that as a consequence of my plea of guilty, as to Count 1, I must be  
19 sentenced to a term of not less than two (2) years, and not more than fifteen (15) years in the  
20 Nevada Department of Corrections. The minimum term may not exceed forty-percent (40%)  
21 of the maximum term of imprisonment. I understand that I may be fined up to \$15,000. As to  
22 Count 2, I understand that as a consequence of my plea of guilty, I must be sentenced to a term  
23 of not less than two (2) years, and not more than fifteen (15) years in the Nevada Department  
24 of Corrections. The minimum term may not exceed forty-percent (40%) of the maximum term.  
25 As to Count three I understand that as a consequence of my plea of guilty, I must be sentenced  
26 to a term of not less than two (2) years, and not more than ten (10) years in the Nevada  
27 Department of Corrections. I understand that I may be fined up to \$10,000. As to Count 4, I  
28 understand that as a result of my plea of guilty, I must be sentenced to a term of not less than

1 one (1) year and not more than five (5) years in the Nevada Department of Corrections. I  
2 understand that I may be fined up to \$10,000. I understand that the law requires me to pay an  
3 Administrative Assessment Fee.

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

8 I understand that as all counts, I am eligible for probation.

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

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

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

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

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

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

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

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

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.

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

#### VOLUNTARINESS OF PLEA

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

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

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

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

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

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

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

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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 6<sup>th</sup> day of August, 2019.

4  
5   
6 CRAIG RODGERS  
Defendant

7 AGREED TO BY:

8   
9  
10 STEVEN J. ROSE  
11 Deputy District Attorney  
12 Nevada Bar #013575  
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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.

29 Dated: This 6<sup>th</sup> day of August, 2019.

30   
31 ATTORNEY FOR DEFENDANT

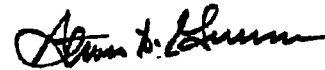
32 sr/L-3



# EXHIBIT M

NOTICE OF INTENT to Seek  
Punishment AS A Habitual criminal

EXHIBIT  M

  
CLERK OF THE COURT

1 NOTC  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 CHRISTOPHER S. HAMNER  
6 Chief Deputy District Attorney  
7 Nevada Bar #11390  
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 CRAIG RODGERS, aka,  
13 Craig Allen Rodgers, #1680324  
14 Defendant.

CASE NO: C314359

DEPT. NO: VI

15 NOTICE OF INTENT TO SEEK PUNISHMENT AS  
16 A HABITUAL CRIMINAL

17 TO: CRAIG RODGERS, aka, Craig Allen Rodgers, Defendant; and

18 TO: DEPUTY PUBLIC DEFENDER, Counsel of Record:

19 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that pursuant to NRS  
20 207.010, the STATE OF NEVADA will seek punishment of Defendant CRAIG RODGERS,  
21 aka, Craig Allen Rodgers, as a habitual criminal in the event of a felony conviction in the  
22 above-entitled action.

23 That in the event of a felony conviction in the above-entitled action, the STATE OF  
24 NEVADA will ask the court to sentence Defendant CRAIG RODGERS, aka, Craig Allen  
25 Rodgers as a habitual criminal based upon the following felony convictions, to-wit:

26 I. That on or about 2001, the Defendant was convicted in the State of  
Nevada, for the crime of Possession of Controlled Substance (felony).

1           2.     That on or about 2006, the Defendant was convicted in the State of  
2 Oklahoma, for the crime of Transport Prostitution (felony).

3           3.     That on or about 2012, the Defendant was convicted in the State of  
4 Oklahoma, for the crime of Federal Interstate Transportation of a Person(s) to Engage in  
5 Prostitution or Illegal Sexual Activity (felony).

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

9                                 BY    /s/ CHRISTOPHER S. HAMNER  
10                                 CHRISTOPHER S. HAMNER  
11                                 Chief Deputy District Attorney  
12                                 Nevada Bar #11390

13                                 CERTIFICATE OF SERVICE

14           I certify that on the 28th day of November, 2016, I mailed a copy of the foregoing  
15 Notice to:

16                                 DEPUTY PUBLIC DEFENDER  
17                                 EMAIL: pdclerk@clarkcountynv.gov

18  
19                                 BY    /s/ J. MOSLEY  
20                                 Secretary for the District Attorney's Office

21  
22  
23  
24  
25  
26  
27  
28     jm/SVU



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**RICK WARREN COURT CLERK**  
OKLAHOMA COUNTY

September 22, 2020

CRAIG RODGERS #1221816  
PO BOX 208  
INDIAN SPRINGS, NV 89070

**RE: REQUEST FOR COPY OF  
CF-2006-4525**

Pursuant to your request for copy by letter received on, September 21, 2020, we are enclosing the copies requested.

Very truly yours,

**RICK WARREN, COURT CLERK**

RW/KC  
1157



**IN THE DISTRICT COURT OF OKLAHOMA COUNTY**

**STATE OF OKLAHOMA**  
OKLAHOMA COUNTY, OKLA.

STATE OF OKLAHOMA

OCT 05 2006

Plaintiff,

PATRICIA PRESLEY, COURT CLERK

Case Number CF-06-4525

vs.

by Deputy

Case Number CM-\_\_\_\_\_

Case Number CM-\_\_\_\_\_

Case Number CM-\_\_\_\_\_

Case Number CM-\_\_\_\_\_

Craig Allen Rogers  
Defendant.

62211213786

Defendant's Social Security Number

**JUDGMENT AND SENTENCE**  
**and SUMMARY OF FACTS ON PLEA OF GUILTY**  
**MISDEMEANOR**

1. Is the name just read to you your true name? YES ✓ or NO \_\_\_\_\_
2. Is your age 25 years; and is your date of birth 3-27-81? YES ✓ or NO \_\_\_\_\_
3. Is Chris Skar your lawyer? YES \_\_\_\_\_ or NO ✓
4. Are you taking any kind of medication?
  - a. If yes, what kind and when did you take it? YES \_\_\_\_\_ or NO ✓
  - b. If yes, does this medication affect your judgment now?
5. Have you been prescribed any medication that you should be taking, but that you are not taking?
  - a. If yes, what kind and when should you have taken it? YES \_\_\_\_\_ or NO ✓
  - b. If yes, does not taking this medication affect your judgment now? YES \_\_\_\_\_ or NO ✓
6. Have you ever been seen by a doctor or confined in a hospital for mental illness?  
If yes, explain: \_\_\_\_\_
7. Counselor, do you have any reason to believe your client is not mentally competent to appreciate and understand the nature, purpose and consequences of this proceeding and to assist you in presenting any defense that may exist to any charge? (Lawyer initials) YES \_\_\_\_\_ or NO ✓
8. Counselor, do you have any reason to believe your client was not mentally competent to appreciate and understand the nature, purpose and consequences of his or her acts at the time they were committed and out of which the charges in the Information arose? YES \_\_\_\_\_ or NO ✓
9. Do you understand you are charged with: (for more than six charges use Plea of Guilty, Addendum 1)
  - a. Ct. #3 - Aiding & Abetting Prostitution - 2105 \$1029.4
  - b. Only charged in misd count.
  - c. \_\_\_\_\_
  - d. \_\_\_\_\_
  - e. \_\_\_\_\_
  - f. \_\_\_\_\_
10. Do you understand that the range of punishment provided for the above crime(s) (is)(are) as follows:
  - a. Minimum of 0 to a maximum of 1 (and)(or) a fine of \$ 0-1,000. YES ✓ or NO \_\_\_\_\_
  - b. Minimum of \_\_\_\_\_ to a maximum of \_\_\_\_\_ (and)(or) a fine of \$ \_\_\_\_\_. YES \_\_\_\_\_ or NO \_\_\_\_\_
  - c. Minimum of \_\_\_\_\_ to a maximum of \_\_\_\_\_ (and)(or) a fine of \$ \_\_\_\_\_. YES \_\_\_\_\_ or NO \_\_\_\_\_
  - d. Minimum of \_\_\_\_\_ to a maximum of \_\_\_\_\_ (and)(or) a fine of \$ \_\_\_\_\_. YES \_\_\_\_\_ or NO \_\_\_\_\_
  - e. Minimum of \_\_\_\_\_ to a maximum of \_\_\_\_\_ (and)(or) a fine of \$ \_\_\_\_\_. YES \_\_\_\_\_ or NO \_\_\_\_\_
  - f. Minimum of \_\_\_\_\_ to a maximum of \_\_\_\_\_ (and)(or) a fine of \$ \_\_\_\_\_. YES \_\_\_\_\_ or NO \_\_\_\_\_

11. Do you understand that if you plead guilty, you can be sentenced to a term of imprisonment within the total of the above range(s) of punishment? YES + or NO \_\_\_\_\_
12. Do you understand that in addition to that punishment, a Victim Compensation Assessment will be imposed for each charge? YES + or NO \_\_\_\_\_
13. Do you understand that you are entitled to a speedy jury trial on the charge(s), to confront all witnesses who will testify against you at the trial(s), to remain silent, and to have your witnesses ordered to Court even at the expense of the State? YES + or NO \_\_\_\_\_
14. Do you understand that the law presumes you are not guilty of the crime(s) charged in the Information, or of any lesser-included offense(s)? YES + or NO \_\_\_\_\_
15. Do you understand that a plea of not guilty requires the State to prove each and every material allegation of the Information beyond a reasonable doubt to a jury, or to the Court if a jury is waived, and if the State can not do this, you will not be convicted? YES + or NO \_\_\_\_\_
16. Do you understand that you have the right to keep a plea of not guilty, and in doing so you keep all these rights? YES + or NO \_\_\_\_\_
17. Do you understand that by entering a plea of guilty you give up all these rights? YES + or NO \_\_\_\_\_
18. Have you talked over the charge(s) with your lawyer, do you understand your rights, and have you had your lawyer's advice in this matter? YES + or NO +
19. Has your lawyer served you well? YES + or NO +
20. Do you want a jury trial? YES + or NO +
21. You stand now on a plea of not guilty. Should you change your plea to guilty, do you understand there has been a plea agreement? YES + or NO \_\_\_\_\_

What is your understanding of the plea agreement? Ch. #3 - 2 yr. deferred Sentence, \$200 VCA, \$200 fine, 80 hours Com. Service, Probation supervision for DOC. comm. serv. to be completed w/ Alliance Against Prostitution.

22. Do you want to enter your plea(s) now and be sentenced (now) (at a later date)? YES + or NO \_\_\_\_\_
23. What (is)(are) your plea(s) to the charge(s), (and to each of them)? (handwriting of Defendant only) + Guilty
24. Do you plead guilty because you did the acts charged? YES + or NO \_\_\_\_\_
25. Do you plead guilty of your own free will and without any coercion or compulsion of any kind? YES + or NO \_\_\_\_\_
26. Have you been forced, abused, mistreated, threatened, or promised anything by anyone to have you enter your plea(s)? YES \_\_\_\_\_ or NO +
27. Do you or your lawyer have anything more to say or do you know of any legal reason why you should not be sentenced now? YES \_\_\_\_\_ or NO +

ECN  
(Defendant initials)  
ES  
(Lawyer initials)

28. THE COURT FINDS:

- A. The Defendant is mentally competent to understand the nature, purpose and consequences of this proceeding, and further, the Defendant was mentally competent to appreciate and understand the acts he or she committed on or about the date alleged in the Information, and to realize the nature, purpose and consequences of those acts at the time they were committed.
- B. The plea agreement is fair and just to the parties and should be concurred in by the Court.
- C. The plea(s) of guilty (is)(are) knowingly and voluntarily entered.

**DEFERRED SENTENCING**

**29. THE COURT ORDERS:**

- A. The plea(s) of guilty (is)(are) accepted by the Court.
- B. The sentencing date is deferred until 4<sup>th</sup> of Oct. 2008 at 9:00 a.m.
- C. You are to pay the following to the Oklahoma County Court Clerk:
1. A fine in the amount of \$ 200 on or before \_\_\_\_\_
  2. The court costs in the approximate amount of \$ ✓ on or before \_\_\_\_\_
  3. The Victim Compensation Assessment in the sum of \$ 200 on or before \_\_\_\_\_
  4. The court-appointed attorney fee amount of \$ N/A on or before \_\_\_\_\_
  5. A laboratory fee for the benefit of the \_\_\_\_\_  
in the amount of \$ ✓ on or before \_\_\_\_\_
- D. You are to pay restitution according to the restitution schedule.
- E. You are to pay \$ ✓ to the Department of Mental Health on or before \_\_\_\_\_

**SUSPENDED SENTENCE or SUSPENDED AS TO PART**

**29. THE COURT ORDERS:**

- A. The plea(s) of guilty (is)(are) accepted by the Court.
- B. You are sentenced to confinement under the supervision of the Oklahoma County Sheriff for a term as follows:
- |          |          |
|----------|----------|
| a. _____ | d. _____ |
| b. _____ | e. _____ |
| c. _____ | f. _____ |
- either, to be all suspended; (Defendant Initials) **ALL SUSPENDED** YES \_\_\_\_\_ or NO \_\_\_\_\_
- or, to be suspended. **SUSPENDED AS TO PART** YES \_\_\_\_\_ or NO \_\_\_\_\_
- except as to the first \_\_\_\_\_ (months)(years) of the term(s) during which time you are to be held in the custody of the Oklahoma County Sheriff, the remainder of the sentence(s) to be suspended under the terms set forth in the Probation Guidelines found below in paragraph 30.
- C. These sentences are to run (concurrently)(consecutively). **NOT APPLICABLE** YES \_\_\_\_\_ or NO \_\_\_\_\_
- D. You are to pay the following to the Oklahoma County Court Clerk:
1. A fine in the amount of \$ \_\_\_\_\_ on or before \_\_\_\_\_
  2. The court costs in the approximate amount of \$ \_\_\_\_\_ on or before \_\_\_\_\_
  3. The Victim Compensation Assessment in the sum of \$ \_\_\_\_\_ on or before \_\_\_\_\_
  4. The court-appointed attorney fee amount of \$ \_\_\_\_\_ on or before \_\_\_\_\_
  5. A laboratory fee for the benefit of the \_\_\_\_\_  
in the amount of \$ \_\_\_\_\_ on or before \_\_\_\_\_
- E. You are to pay restitution according to the restitution schedule.
- F. You are to pay \$ \_\_\_\_\_ to the Department of Mental Health on or before \_\_\_\_\_

**TIME TO SERVE**

**29. THE COURT ORDERS:**

- A. The plea(s) of guilty (is)(are) accepted by the Court.
- B. You are sentenced to confinement under the supervision of the Oklahoma County Sheriff for a term as follows:
- |          |          |
|----------|----------|
| a. _____ | d. _____ |
| b. _____ | e. _____ |
| c. _____ | f. _____ |
- C. These sentences are to run (concurrently)(consecutively). **NOT APPLICABLE** YES \_\_\_\_\_ or NO \_\_\_\_\_

D. You are to pay the following to the Oklahoma County Court Clerk:

- 1) A fine in the amount of \$ \_\_\_\_\_ on or before \_\_\_\_\_
- 2) The court costs in the approximate amount of \$ \_\_\_\_\_ on or before \_\_\_\_\_
- 3) The Victim Compensation Assessment in the sum of \$ \_\_\_\_\_ on or before \_\_\_\_\_
- 4) The court-appointed attorney fee amount \$ \_\_\_\_\_ on or before \_\_\_\_\_
- 5) A laboratory fee for the benefit of \_\_\_\_\_  
in the amount of \$ \_\_\_\_\_ on or before \_\_\_\_\_

E. You are to pay restitution according to the restitution schedule.

F. You are to pay \$ \_\_\_\_\_ to the Department of Mental Health on or before \_\_\_\_\_

G. Court Fund Assessment (CTFD) \$ \_\_\_\_\_

**AFFIDAVIT**  
ON THE 10 DAY OF July, 2006, In OKLAHOMA COUNTY, OKLAHOMA, I  
committed the following act (s): acted as a known prostitute by  
driving her to a hotel room to  
perform prostitution.

THE ABOVE STATEMENT OF THE CRIME IS IN MY OWN HANDWRITING OR WRITTEN BY MY  
ATTORNEY AND APPROVED BY ME. Initials AK

**NOTICE OF RIGHT TO APPEAL**

- 30) To appeal from a conviction on your plea of guilty you must file a written Application to Withdraw Plea of Guilty within ten (10) days from today. You must set forth in detail the grounds for your withdrawal and request an evidentiary hearing in the trial court. The trial court must hold a hearing and rule upon your application within thirty (30) days from the date it is filed. If the trial court denies your Application you have ninety (90) days from the date of denial to file a Petition for Writ of Certiorari to the Court of Criminal Appeals to appeal the trial court's decision. If you are indigent, these appeals can be prosecuted at public expense, and you can have an attorney appointed to represent you.

Do you understand your right to appeal?

YES 6 NO \_\_\_\_\_

31) Have you fully understood the questions that have been asked?

YES + NO \_\_\_\_\_

32) Were your answers freely and voluntarily given?

YES + NO \_\_\_\_\_

DONE IN OPEN COURT this 5 day of Oct., 2006. This document is to be  
filed in the case.

Assistant District Attorney

Judge of the District Court

Attorney for the Defendant Chris Sloan

Court Reporter Present

Deputy Court Clerk

Having been previously sworn, I the Defendant whose signature appears below, make the following statements under oath: 1) My Attorney and I have read this Judgment and Sentence and Summary of Facts on the Plea of Guilty. 2) It is a true statement of the questions asked and of my answers to them. 3) I approve this document and I do not desire to change it or add anything to it. 4) I understand that that I may be prosecuted for perjury if I have made false statements to this Court.



# EXHIBIT N

Court minutes from July 25, 2019  
and the document about misadvice about  
the potential sentence about parole eligibility

# EXHIBIT N

Based upon the case that I sent you, Williams v. State Dept. of Corrections, you are eligible to apply good time credits towards your eligibility for parole. In that case, the defendant was convicted of a DUI resulting in death after she struck and killed six (6) teenagers with her vehicle while driving under the influence. She was sentenced to a minimum of thirty-six (36) months and a maximum of ninety-six (96) months for each of the six counts and each sentence was to run consecutively. The Nevada Supreme Court held that that defendant was eligible to apply good time credits to the front end of her sentence because NRS 209.4465 allows for application of good time credits towards one's eligibility for parole so long as the defendant was not sentenced under a statute that requires a minimum time to be served before parole eligibility. As evidenced in Williams and NRS 484C.410, the DUI laws do not specify a specific amount of time that a defendant must serve prior to becoming eligible for parole. Accordingly, just as in Williams, you will be eligible to apply your good time credits toward your eligibility for parole, thus lowering the minimum term of your sentence.

Under NRS 213.120, which determines a defendant's eligibility for parole, a prisoner becomes eligible for parole when the minimum term of their sentence has been completed. Thus, when applying good time credits towards one's eligibility for parole, you are in effect applying the good time credits towards the minimum term of the sentence. NRS 209.4465 allows for the accumulation of 20 days' good time credit for every 30 days served.

Applying the above to your case, for every thirty (30) days that you serve in the Nevada Department of Corrections, you will receive credit for twenty (20) days off of the minimum term of your sentence. Thus, after having served twelve (12) months, you will have received credit for twenty (20) months, leaving just four (4) months remaining on the twenty-four (24) month minimum term of your sentence.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 25, 2019**

C-16-314359-1      State of Nevada  
vs  
Craig Rodgers

**July 25, 2019****9:30 AM****All Pending Motions****HEARD BY:** Johnson, Susan**COURTROOM:** RJC Courtroom 15D**COURT CLERK:**

Jill Chambers

**RECORDER:** Norma Ramirez**REPORTER:****PARTIES**

|                 |                 |           |
|-----------------|-----------------|-----------|
| <b>PRESENT:</b> | Parris, John P. | Attorney  |
|                 | Rodgers, Craig  | Defendant |
|                 | Rose, Steven    | Attorney  |
|                 | State of Nevada | Plaintiff |

**JOURNAL ENTRIES**

- DEFT'S MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATE COUNSEL...CALENDAR CALL

Upon inquiry of the Court, the Deft. stated that his attorney has been unavailable but that he finally met with Mr. Parris the previous day. Mr. Parris confirmed that he spoke to the Deft. and had documents to present to him but was not clear if he had any further issues. COURT ORDERED, MATTER TRAILED to allow Mr. Parris to speak to his client.

MATTER RECALLED

Mr. Parris stated that he was able to address one of the Deft's concerns and gave an update on negotiations which did not resolve the matter. The Deft. requested a hearing outside the presence of

PRINT DATE: 11/18/2021

Page 1 of 8

Minutes Date: July 25, 2019

*Heaven & Son*  
CLERK OF THE COURT

1 Craig Rodgers  
2 NDOC No. 1221816  
3 \_\_\_\_\_

4 In proper person

5  
6 IN THE Eighth JUDICIAL DISTRICT COURT OF THE  
7 STATE OF NEVADA IN AND FOR THE  
8 COUNTY OF Clark  
9

10 Craig Rodgers )

11 )  
12 Petitioner, )

13 v. )

14 William Hutchinson, Warden )  
15 Steven Wolfson, District Attorney )  
16 State of Nevada )

Case No. A-20-820408W

17 ) Dept. No. 22  
18 Respondent. )  
19 )

20 MOTION AND ORDER FOR TRANSPORTATION  
21 OF INMATE FOR COURT APPEARANCE  
22 OR, IN THE ALTERNATIVE,  
23 FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE  
24

25 Petitioner, Craig Rodgers, proceeding pro se, requests  
26 that this Honorable Court order transportation for his personal appearance or, in the  
27 alternative, that he be made available to appear by telephone or by video conference  
28 at the hearing in the instant case that is scheduled for 01-04-22  
29 at 8:30 AM.

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

2 1. I am an inmate incarcerated at S.D. CC

3 My mandatory release date is \_\_\_\_\_.

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. S. D. C. C. is located approximately  
28       40 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: S DCC, Matt Williams,  
12 whose telephone number is 725-216-6467

13  
14 Dated this 17<sup>th</sup> day of December, 2021.

15  
16 

17  
18  
19 Craig Rodgers  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

**CERTIFICATE OF SERVICE BY MAILING**

I, Craig Rodgers, hereby certify, pursuant to NRCP 5(b), that on this 7<sup>th</sup>  
day of December, 2021, I mailed a true and correct copy of the foregoing, "Motion And order for transportation"  
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the  
United State Mail addressed to the following:

Steven grienson  
Clerk of the Court  
200 Lewis Ave, 3rd Floor

William Hutchings  
Warden  
20925 Cold Creek Road  
Indian Springs NV 89070

Steve Wolfson  
200 Lewis Ave  
Las Vegas NV 89155

CC:FILE

DATED: this 7<sup>th</sup> day of December, 2021.

Craig Rodgers # 1221316  
/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 and order for transportation  
(Title of Document)

filed in District Court Case number A-20-822408-W

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

**-OR-**


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

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

\_\_\_\_\_  
(State specific law)

**-or-**

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

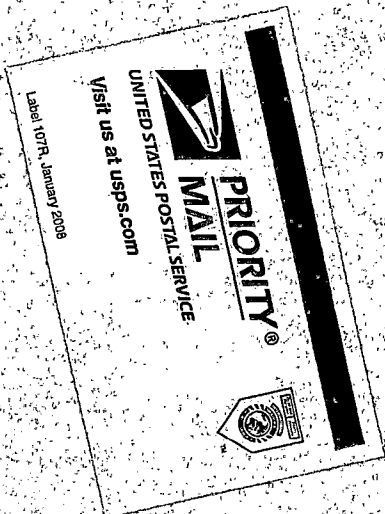
  
Signature

12-7-21  
Date

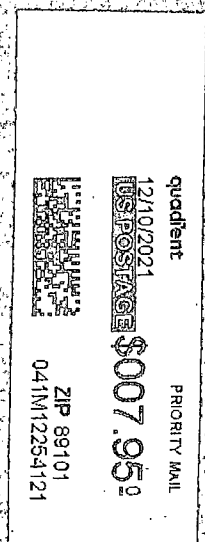
\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

CHAI6 robes #1221816  
P.O. Box 208  
Indian Springs, NV 89070



STEVEN GRIENSEN  
Clerk of the Court  
800 Lewis Ave, 3rd floor  
Las Vegas, NV, 89155



Pg. 93

12-7-21

Southern Desert  
Correctional Center  
DEC 10 2021  
OUTGOING MAIL

12-7-21

PS 93

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OF FILE PLEASE

Case No. A-20-726408-W  
Dept. No. 22

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

Craig Rodgers  
Petitioner,

v.  
William Hutchings, Warden  
Steven Wolfson, District Attorney  
State of Nevada

Respondent.

**ORDER**

Petitioner filed a petition for a Writ of Habeas Corpus on \_\_\_\_\_(month)  
\_\_\_\_\_(day), \_\_\_\_\_(year). The court has reviewed the petition  
and has determined that a response would assist the court in determining whether  
petitioner is illegally imprisoned and restrained of petitioner's liberty. Respondent  
shall, within 45 days after the date of this order, answer or respond to the petition  
and file a return in accordance with provisions of NRS 34.360 to 34.830, inclusive.

Dated \_\_\_\_\_(month) \_\_\_\_\_(day), \_\_\_\_\_(year)

\_\_\_\_\_  
Court Judge

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

CROSS RODGERS )

Petitioner, )

v. )

William Hutchins, Warden )

Steven Wolfson )

State of Nevada )

Case No. A-20-720408-W

Dept. No. 22

Respondent. )

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

Based upon the above motion, I find that the presence of  
\_\_\_\_\_ is necessary for the hearing that is scheduled in this  
case on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at  
\_\_\_\_\_.

**THEREFOR, IT IS HEREBY ORDERED that,**

☐ Pursuant to NRS 209.274, Warden \_\_\_\_\_  
of \_\_\_\_\_ is hereby commanded to have

\_\_\_\_\_ transported to appear before me at a hearing  
scheduled for \_\_\_\_\_ at \_\_\_\_\_ at the  
\_\_\_\_\_ County Courthouse. Upon completion of the hearing,

1 \_\_\_\_\_ 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  
14  
15  
16  
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29

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

Electronically Filed  
2/9/2022 12:44 PM  
Steven D. Grierson  
CLERK OF THE COURT



Craig Rodgers, Plaintiff(s)

vs.

William Hutchings Warden, Defendant(s)

Case No.: A-20-820408-W

Department 22

**NOTICE OF HEARING**

Please be advised that the Amended Petition for Writ of Habeas Corpus in the above-entitled matter is set for hearing as follows:

**Date:** March 15, 2022

**Time:** 8:30 AM

**Location:** RJC Courtroom 15D  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Allison Behrhorst  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

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

By: /s/ Allison Behrhorst  
Deputy Clerk of the Court

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OF FILE PLEASE

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

Craig Rodgers )

Petitioner, )

v. )

William Hutchings )

Warden, State of Nevada )

Respondent. )

Case No. A-26-820408w

Dept. No. 22

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

Based upon the above motion, I find that the presence of  
\_\_\_\_\_ is necessary for the hearing that is scheduled in this  
case on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at  
\_\_\_\_\_.

**THEREFOR, IT IS HEREBY ORDERED that,**

☐ Pursuant to NRS 209.274, Warden \_\_\_\_\_  
of \_\_\_\_\_ is hereby commanded to have  
\_\_\_\_\_ transported to appear before me at a hearing  
scheduled for \_\_\_\_\_ at \_\_\_\_\_ at the  
\_\_\_\_\_ County Courthouse. Upon completion of the hearing,

RECEIVED

FEB 17 2022

CLERK OF THE COURT



1 \_\_\_\_\_ 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 \_\_\_\_\_

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12 \_\_\_\_\_  
13 District Court Judge  
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*Heather L. Shuman*  
CLERK OF THE COURT

Craig Rodgers  
P.O. Box 208  
Indian Springs  
NV, 89070

File stamp  
copy requested

IN THE 8th DISTRICT COURT OF THE  
STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

Petitioner,  
vs. Craig Rodgers  
  
William Hutchings  
Warden; State of Nevada,  
  
Respondents.

CASE NUMBER: A-20-720408-2

**EX PARTE MOTION FOR  
APPOINTMENT OF COUNSEL AND  
REQUEST FOR EVIDENTIARY  
HEARING**

COMES NOW, Craig Rodgers the Petitioner, in proper person, and moves this Court for its order allowing the appointment of counsel for Petitioner and for an evidentiary hearing. This motion is made and based in the interest of justice.

Pursuant to NRS 34.750(1):

A petition may allege that the petitioner is unable to pay the costs of the proceedings or to employ counsel. If the court is satisfied that the allegation of indigency is true and the petitioner is not dismissed summarily, the court may appoint counsel to represent the petitioner. In making its determination, the court may consider, among other things, the severity of the consequences facing the petitioner and whether:

- (a) The issues presented are difficult;
- (b) The petitioner is unable to comprehend the proceedings, or

CLERK OF THE COURT

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1 (c) Counsel is necessary to proceed with discovery.

2 Petitioner is presently incarcerated at Southern Desert Correctional Center, is  
3 indigent and unable to retain private counsel to represent him.

4 Petitioner is unlearned and unfamiliar with the complexities of Nevada state law, particularly  
5 state post-conviction proceedings. Further, Petitioner alleges that the issues in this case are complex and  
6 require an evidentiary hearing. Petitioner is unable to factually develop and adequately present the  
7 claims without the assistance of counsel. Counsel is unable to adequately present the claims without an  
8 evidentiary hearing.

9 Dated this 10<sup>th</sup> day of February, 2022.

10

11

Craig Rodgers #1221816  
In Proper Person

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POINTS AND AUTHORITIES

NRS.34.750 Appointment of Counsel for indigents;pleading sipplemental 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 10<sup>th</sup> Day Of February, 2022.

Respectfully Submitted,

BY:

CARIS RODGERS #1224816  
Defendant, In Forma Pauperis:

////

////

////

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he is a person of such age and discretion as to be competent to serve papers.

That on February 10th, 2022, he served a copy of the foregoing Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing by personally mailing said copy to:

District Attorney's Office

Address:

Steve Wolfson  
District Attorney  
100 Lewis Ave.  
Las Vegas NV 89155

Warden

Address:

William Hutchings  
20725 Cold Creek Road  
Indian Springs NV 89070

Crisis Rodgers

Petitioner



**AFFIRMATION**  
**Pursuant to NRS 239B.030**

The undersigned does hereby affirm that the preceding Ex Parte motion

for appointment of counsel

(Title of Document)

filed in District Court Case number A-20-820408-W

☒ 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.

Craig Rodgers  
Signature

2-10-22  
Date

Craig Rodgers  
Print Name

\_\_\_\_\_  
Title

5

*Heather L. Smith*  
CLERK OF THE COURT

File Stamp  
copy requested

Craig Rodgers  
NDOC No. 1221816

In proper person

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

Craig Rodgers )  
)  
Petitioner, )

v. William Hutchins )

Case No. A-20-720408-2

Warden, State of Nevada )  
Respondent. )

Dept. No. 22

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

Petitioner, Craig Rodgers, 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 3-15-22  
at 8:30 AM.

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FEB 17 2022

CLERK OF THE COURT

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

2 1. I am an inmate incarcerated at S.D.C.C.

3 My mandatory release date is \_\_\_\_\_.

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. ASPCO is located approximately  
28 40 miles from Las Vegas, Nevada.

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

8. The rules of the institution prohibit me from placing telephone calls from the institution, except for collect calls, unless special arrangements are made with prison staff. Nev. Admin. Code DOC 718.01. However, arrangements for my telephone appearance can be made by contacting the following staff member at my institution: Mgt Williams,  
whose telephone number is 725-216-6467

Dated this 10<sup>th</sup> day of February, 2022

Can be

Craws Rodgers

**CERTIFICATE OF SERVICE BY MAILING**

I, Craig Rodgers, hereby certify, pursuant to NRCP 5(b), that on this 10<sup>th</sup>  
day of February, 2020, I mailed a true and correct copy of the foregoing, "~~Confirmation~~ Information for transportation"  
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the  
United State Mail addressed to the following:

Steven Spiereson  
Clerk of the Court  
800 Lewis Ave, 3rd Floor  
Las Vegas, NV 89155

William Hutchins  
Warden  
20825 Cold Creek Road  
Indian Springs, NV 89070

Steve Wolfson  
200 Lewis Ave  
Las Vegas NV 89155

CC:FILE

DATED: this 10 day of February, 2020.

Craig Rodgers #221811  
/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 and order for transcription  
(Title of Document)

filed in District Court Case number A-20-820408W

☒ 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.

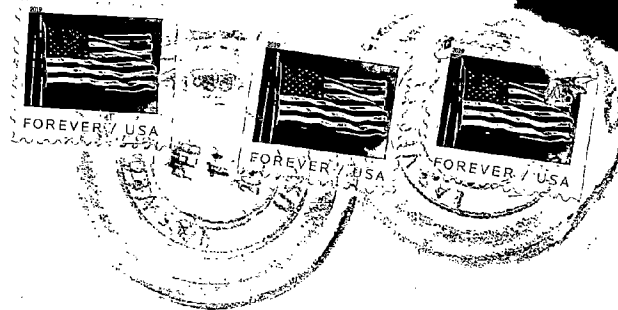
Cross  
Signature

2-10-22  
Date

Cross Rogers  
Print Name

\_\_\_\_\_  
Title

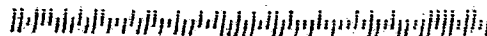
Craig Rodgers #1221816  
P.O. Box 208  
Indian Springs, NV 89070



Steven Erienson  
200 Lewis Ave, 3rd Floor  
Las Vegas NV 89155-1160

Legal Mail

8510196800 0075



Legal Mail 14857



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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Craig Rodgers, Plaintiff(s)

Case No.: A-20-820408-W  
Department XXII

vs.

William Hutchings Warden, Defendant(s)

**INSTRUCTIONS FOR BLUEJEANS VIDEOCONFERENCING**

**A hearing in the above-referenced matter is scheduled in District Court Department 22 for March 15, 2022, at 8:30 a.m.**

To connect to your hearing, click on the following link: <https://bluejeans.com/350748268>

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. PLEASE NOTE the following protocol each participant will be required to follow:

Place your phone on **mute** while waiting for your matter to be called.  
Do **not** place the call on hold since some phones may play wait/hold music.  
Please do **not** use speaker phone as it causes a loud echo/ringing noise.  
Please state your name each time you speak so that the court recorder can capture a clear record.

We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. Make sure to call in 15 minutes prior to the calendar start time to check in with the Clerk and Recorder.

Please note that Department 22 does require **physical** courtesy copies, which can be placed in the DC 22 deliveries box on the 15<sup>th</sup> floor 2-3 days before your scheduled hearing.

/s/ Keri Cromer  
Judicial Executive Assistant

*Heather L. Hume*  
CLERK OF THE COURT

1 ODM

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5 CRAIG RODGERS, #1680324,

Case No. A-20-820408-W

6  
7 Petitioner,

Dept. No. XXII

8 Vs.

9 WILLIAM HUTCHINGS, Warden;  
10 STEVEN B. WOLFSON, District  
11 Attorney; and THE STATE OF NEVADA,

12 Respondents.

13 ORDER DENYING PETITIONER CRAIG RODGERS' AMENDED PETITION FOR WRIT  
14 OF HABEAS CORPUS (POST-CONVICTION)

15 On March 5, 2021, this Court issued its Findings of Fact, Conclusions of Law and Order  
16 which denied Petitioner's Petition for Writ of Habeas Corpus (Post Conviction) filed August 31,  
17 2020 upon the basis it was untimely filed or filed outside the time frame outlined in NRS 34.726(1)  
18 ("...a petition that challenges the validity of a judgment or sentence must be filed within 1 year of  
19 the entry of the judgment of conviction..."). On November 5, 2021, the Nevada Court of Appeals  
20 issued its Order of Reversal and Remand, noting, although the Petition for Writ of Habeas Corpus  
21 was filed outside the one-year limit set forth by NRS 34.726(1), it was received by the Court Clerk's  
22 Office within the pertinent time frame; it was the Clerk's responsibility to file the submitted  
23 documents. This Court's judgment was reversed and the matter remanded for proceedings  
24 consistent with the appellate court's order. The case was remitted to this Court on December 1,  
25 2021.

26 ...  
27  
28

SUSAN H. JOHNSON  
DISTRICT JUDGE  
DEPARTMENT XXII

1           Thereafter, on December 23, 2021, MR. RODGERS filed his Amended Petition for Writ of  
2 Habeas Corpus (Post Conviction).

3           On March 15, 2022, this Court scheduled MR. RODGERS' Amended Petition for Writ of  
4 Habeas Corpus (Post Conviction) for hearing. Respondents made no appearance and did not oppose  
5 MR. RODGERS' Amended Petition. Having reviewed the papers and pleadings on file herein,  
6 heard MR. RODGERS' oral arguments and taken this matter under advisement, this Court makes the  
7 following Findings of Fact and Conclusions of Law:  
8

9                           **FINDINGS OF FACT AND PROCEDURAL HISTORY**

10           1.       On April 22, 2016, by way of Information, Petitioner CRAIG RODGERS was  
11 charged with committing the crimes of:

12                   a.       Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm  
13 (Category B Felony) in violation of NRS 200.481;

14                   b.       False Imprisonment with Use of a Deadly Weapon (Category B Felony) in  
15 violation of NRS 200.460;

16                   c.       First Degree Kidnapping with Use of a Deadly Weapon Resulting in Bodily  
17 Harm (Category A Felony) in violation of NRS 200.320 and 193.165);

18                   d.       Mayhem with Use of a Deadly Weapon (Category B Felony) in violation of  
19 NRS 200.280 and 193.165; and  
20

21                   e.       Robbery (Category B Felony) in violation of NRS 200.230,  
22

23 all stemming from incidents that allegedly took place on or about March 6, 2015 in Clark County,  
24 Nevada and involving the victim, ANTOINETTE MARTINEZ. *See* Information filed in State v.  
25 Craig Rodgers, Case No. C-16-314359-1. MR. RODGERS was appointed legal counsel through the  
26 Public Defenders' Office. On November 28, 2016, the STATE filed its Notice of Intent to Seek  
27 Punishment as a Habitual Criminal.  
28



1           2.       On June 5, 2017, the Public Defenders' Office filed a Motion to Withdraw as MR.  
2       RODGERS' Counsel based upon conflict of interest in that this office had previously represented  
3       MS. MARTINEZ in an unrelated matter in or about 2012. The Motion to Withdraw was granted  
4       and the Special Public Defenders' Office was confirmed as counsel for MR. RODGERS on June 12,  
5       2017. Less than six months later, on December 6, 2017, the Special Public Defenders' Office filed  
6       its Motion for Withdrawal of Counsel claiming a deterioration of the attorney-client relationship  
7       between it and MR. RODGERS. The Motion was granted on January 3, 2018 and ADAM GILL,  
8       ESQ. was appointed and confirmed as MR. RODGERS' third defense counsel.

10           3.       On July 13, 2018, three days before trial was to commence,<sup>1</sup> July 16, 2018, the  
11       STATE filed an Amended Information, removing the second count of False Imprisonment. On the  
12       second day of jury *voir dire* and pursuant to plea negotiations, the STATE filed a Second Amended  
13       Information, charging MR. RODGERS with committing only two of the original crimes, i.e. First  
14       Degree Kidnapping (Category A Felony) in violation of NRS 200.310 and 200.320) and Mayhem  
15       (Category B Felony) in violation of NRS 200.280 given plea negotiations between the parties. MR.  
16       RODGERS signed the Guilty Plea Agreement which was filed the same day, July 17, 2018. This  
17       Court canvassed MR. RODGERS regarding his guilty plea to ensure it was entered into freely and  
18       voluntarily. *See* Transcript of July 17, 2018 Hearing filed August 13, 2018 in Case No. C-16-  
19       314359-1. As it was satisfied MR. RODGERS was pleading guilty freely and voluntarily, this  
20       Court accepted this Defendant's guilty plea and scheduled the matter for sentencing.

23           4.       On August 7, 2018, MR. RODGERS filed a Motion to Appoint Alternate Counsel as  
24       he desired to withdraw his guilty plea. On August 14, 2018, this Court granted MR. RODGERS'  
25       motion and appointed JOHN PARRIS, ESQ. to review the case; MR. PARRIS confirmed as MR.  
26       RODGERS' fourth defense lawyer on August 28, 2018. On September 6, 2018, the STATE advised

---

28           <sup>1</sup>The trial had been scheduled and vacated six (6) times before it actually commenced on July 16, 2018.

1 the Court it stipulated to MR. RODGERS' withdrawal of his guilty plea. Given that stipulation, this  
2 Court allowed MR. RODGERS to withdraw his guilty plea.

3       5.       Approximately one year later, August 5, 2019, just prior to the jury trial commencing,  
4 the STATE requested the Second Amended Information be stricken as MR. RODGERS withdrew  
5 his guilty plea and thus, the parties' negotiated settlement was not consummated. The Second  
6 Amended Information was stricken, resulting in the Amended Information filed July 13, 2018 which  
7 contained all prior counts, except for False Imprisonment, being the operative pleading. During  
8 second day of jury *voir dire*, August 6, 2019, the parties again entered into plea negotiations  
9 resulting in the STATE filing, *anew*, a Second Amended Information charging MR. RODGERS with  
10 committing the crimes of Second Degree Kidnapping (Category B Felony) in violation of NRS  
11 200.310 and 200.320, Robbery (Category B Felony) in violation of NRS 200.230, Mayhem  
12 (Category B Felony) in violation of NRS 200.380 and Pandering (Category C Felony) in violation of  
13 NRS 201.300(1). With his lawyer, MR. RODGERS reviewed and signed the Guilty Plea Agreement  
14 which was filed that same day. This Court again canvassed MR. RODGERS to ensure his plea was  
15 made freely and voluntarily, and thereafter, accepted his guilty plea. After the guilty plea was  
16 accepted by the Court, the STATE moved for sentencing to go forward that day; that motion was not  
17 opposed by MR. RODGERS. The STATE advised the Presentence Investigation Report (PSI) had  
18 been previously completed although it contained an error. On page 4 of the PSI, under "Adult,  
19 Arrest Date of April 20, 2001," it was stated MR. RODGERS had been convicted when, actually,  
20 the matter was given treatment under NRS 453.3363, MR. RODGERS had received an honorable  
21 discharge from probation and case was dismissed. To correct the error, the STATE moved for and  
22 this Court ordered the 2001 conviction be stricken from the PSI. See Stockmeier v. State Board of  
23 Parole Commissioners, 127 Nev. 243, 255 P.3d 209 (2011). Notably, this correction was also  
24 included within the Judgment of Conviction that was later filed on August 23, 2019.

1 MR. RODGERS was adjudged guilty of committing Count I, Second Degree Kidnapping;  
2 Count 2, Robbery; Count 3, Mayhem; and Count 4, Pandering. In addition to the \$25  
3 Administrative Assessment Fee and \$3 DNA Collection Fee, MR. RODGERS was sentenced to  
4 serve as to:

5 Count 1 to a minimum of forty-eight (48) months and a maximum of one hundred eighty  
6 (180) months;

7  
8 Count 2 to a minimum of twenty-four (24) months and a maximum of sixty (60) months to  
9 be served consecutively to that imposed in Count 1;

10 Count 3 to a minimum of twenty-four (24) months and a maximum of sixty (60) months to  
11 be served concurrently to that imposed in Count 2;

12 Count 4 to a minimum of twenty-four (24) months and a maximum of sixty (60) months to  
13 be served concurrently to that imposed in Count 3,  
14 all within the Nevada Department of Corrections (NDOC), with 1,218 days credit for time served.  
15 The total aggregate sentence was a minimum of seventy-two (72) months and a maximum of two  
16 hundred forty (24) months. As there remained issues regarding restitution and other possible  
17 corrections that needed to be made to the PSI, a hearing was scheduled for August 20, 2019 at 8:30  
18 a.m. See Reporter's Transcript of Hearing: Jury Trial, Day 2, August 6, 2019 filed April 1, 2022 in  
19 Case No. C-16-314359-1.  
20  
21

22 6. On August 20, 2019, the STATE represented it would not be requesting restitution  
23 from MR. RODGERS. Other corrections and/or changes were made to the PSI at MR. RODGERS'  
24 request pursuant to Stockmeier. The section on page 1, under II, titled "Charge Information," that  
25 contained on page 7, under IX titled "Plea Negotiations" and the recommendation in Section X to  
26

27 ...

28 ...

1 delete Count 1 were stricken.<sup>2</sup> As the corrections to the PSI had been made and MR. RODGERS'  
2 concerns were addressed, the Judgment of Conviction was filed August 23, 2019.

3 7. MR. RODGERS filed his Notice of Appeal on September 24, 2019. On November  
4 25, 2019, the Nevada Supreme Court dismissed the appeal as untimely.

5 8. MR. RODGERS has filed an Amended Petition for Writ of Habeas Corpus (Post  
6 Conviction), asserting eleven (11) grounds for relief:

7  
8 *First*, his defense counsel, MR. PARRIS, was ineffective as he failed to file the Notice of  
9 Appeal timely in violation of the Sixth Amendment to the United States Constitution.

10 *Second*, MR. RODGERS was denied due process when the district court failed to toll the  
11 timeliness of appeal in violation of the Fifth and Fourteenth Amendments.

12 *Third*, his appellate counsel was ineffective for failing to raise on appeal MR. RODGERS  
13 was denied effective assistance of counsel at the preliminary hearing due to conflict of interest in  
14 violation of the Sixth Amendment.

15  
16 *Fourth*, MR. RODGERS was denied effective assistance of counsel when the district court  
17 denied his Motion to Remand for New Preliminary Hearing, or in the alternative, Motion to Dismiss  
18 Due to Prior Counsel's Conflict of Interest in violation of the Sixth Amendment.

19 *Fifth*, MR. RODGERS was denied effective assistance of counsel when MR. PARRIS  
20 withheld information from him to convince him to plead guilty in violation of the Sixth Amendment.  
21

22 *Sixth*, MR. RODGERS was denied effective assistance of counsel when his attorney misled  
23 him regarding the defense expert witness' availability for trial in violation of the Sixth Amendment.

24 *Seventh*, MR. RODGERS was denied due process when the district court refused to allow  
25 him to withdraw his guilty plea a second time when the plea was made and based upon withheld  
26

27  
28 <sup>2</sup>Also see Recorder's Transcript of Hearing Re: All Pending Motions dated August 20, 2019, pp. 21-22, filed  
April 11, 2022 in Case No. C-16-314359-1.

1 information, evidence and issues surrounding the PSI in violation of his Fifth and Fourteenth  
2 Amendments.

3 *Eighth*, MR. RODGERS was denied due process of law as the STATE failed to dismiss the  
4 case pursuant to the Guilty Plea Agreement in violation of his Fifth and Fourteenth Amendments.

5 *Ninth*, counsel was ineffective for failing to challenge the Notice of Intent to Seek  
6 Punishment as a Habitual Criminal in violation of the Sixth and Fourteenth Amendments.

7 *Tenth*, counsel was ineffective “constitutionally deficient in failing to advise me properly in  
8 response to a potential sentence and time off at sentence and eligibility for parole” in violation of the  
9 Sixth and Fourteenth Amendments.

10 *Eleventh*, counsel was ineffective for failing to challenge the Second Amended Plea  
11 Agreement that contained a new improper charge which was in violation of his Fifth, Sixth and  
12 Fourteenth Amendments.

13 **CONCLUSIONS OF LAW**

14  
15  
16 1. NRS 34.360 provides: “Every person unlawfully committed, detained, confined or  
17 restrained of his or her liberty, under any pretense whatever, may prosecute a writ of habeas corpus  
18 to inquire into the cause of such imprisonment or restraint.” Habeas corpus is an extraordinary  
19 remedy and appropriate to test the legality of a conviction which is challenged upon constitutional  
20 grounds. Shum v. Fogliani, 82 Nev. 156, 157, 413 P.2d 495, 496 (1966), *overruled on other*  
21 *grounds*, Rahn v. Warden, 88 Nev. 429, 498 P.2d 1344 (1972). Here, MR. RODGERS has filed his  
22 Amended Petition for Habeas Corpus upon the grounds he was denied his constitutional rights as  
23 guaranteed by the Fifth, Sixth and Fourteenth Amendments to the United States Constitution, and as  
24 a consequence, his criminal conviction resulting therefrom was wrongful.

25  
26 ...

27  
28 ...

**MR. RODGERS' Sixth Amendment Claims of Ineffective Assistance of Counsel**

2. The Sixth Amendment to the United States Constitution specifically provides:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusations; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, *and to have the assistance of counsel for his defense.* (Emphasis added).

3. A fair trial is one in which evidence subject to adversarial testing is presented to an impartial tribunal for resolution of issues defined in advance of the proceeding. The right to counsel plays a critical role in the adversarial system embodied within the Sixth Amendment, as access to the lawyer's skill and knowledge is necessary to accord the defendant "ample opportunity to meet the case of the prosecution" to which he is entitled. Adams v. United States ex rel. McCann, 317 U.S. 269, 275-276, 63 S.Ct. 236, 240, 87 L.Ed. 268 (1942), *quoted by* Strickland v. Washington, 466 U.S. 668, 685, 104 S.Ct. 2052, 2063, 80 L.Ed.2d 674 (1984). Thus, an accused is entitled to be assisted by a lawyer, whether retained or appointed, who plays the role necessary to ensure the trial is fair. Strickland, 466 U.S. at 685, 104 S.Ct. at 2063, 80 L.Ed.2d 674. For that reason, the United States Supreme Court has recognized "the right to counsel is the right to *effective* assistance of counsel." *Id.*, *quoting* McMann v. Richardson, 397 U.S. 759, 771 n.14, 90 S.Ct. 1441, 1449 n.14, 25 L.Ed.2d 763 (1970) (Emphasis added).

4. MR. RODGERS must prove the factual allegations underlying his ineffective assistance claims by a preponderance of the evidence. *See* Means v. State, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). His burden to show his lawyers' assistance was so defective as to require reversal of his convictions has two components or prongs: *First*, he must show his attorneys' performance was deficient; that is, he must demonstrate counsel made errors so serious the lawyer was not functioning as "counsel guaranteed MR. RODGERS under the Sixth Amendment. *Second*,

1 MR. RODGERS must show the deficient performance prejudiced his defense. That is, he must  
2 show counsel's errors were so serious as to deprive him of a fair trial, or a trial with a reliable result.  
3 Unless MR. RODGERS has made both showings, it cannot be said his conviction resulted from a  
4 breakdown in the adversary process that renders the result unreliable. *Id.*, 466 U.S. at 687, 104 S.Ct.  
5 at 2064, 80 L.Ed.2d 674. That is, this Court need not analyze both prongs of *Strickland* if MR.  
6 RODGERS makes an insufficient showing on either one.

7  
8 5. In order to eliminate the distorting effects of hindsight, courts indulge in a strong  
9 presumption counsel's representation falls within the broad range of reasonable assistance. *Molina*  
10 *v. State*, 120 Nev. 185, 190 87 P.3d 533, 537 (2004), *citing Kirksey v. State*, 112 Nev. 980, 987, 923  
11 P.2d 1102, 1107 (1996).

12 6. When it considers the first prong set forth above, this Court notes "[e]ffective counsel  
13 does not mean errorless counsel, but rather counsel whose assistance is '[w]ithin the range of  
14 competence demanded of attorneys in criminal cases.'" *Jackson v. Warden*, 91 Nev. 430, 432, 537  
15 P.2d 473, 474 (1975). That is, "[a]n error by counsel, even if professionally unreasonable, does not  
16 warrant setting aside the judgment of a criminal proceeding if the error had no effect on the  
17 judgment." *Strickland*, 466 U.S. at 691, 104 S.Ct. 2066, 80 L.Ed.2d 674. Attorney errors come in  
18 an infinite variety and are as likely to be harmless in a particular case as they are to be prejudicial.  
19 *Id.*, 466 U.S. at 693, 104 S.Ct. at 2067, 80 L.Ed.2d 674. As noted by the United States Supreme  
20 Court in *Strickland*, 466 U.S. at 693, 104 S.Ct. at 2067, 80 L.Ed. 674, "[r]epresentation is an art, and  
21 an act or omission that is unprofessional in one case may be sound or even brilliant in another."

22 7. Considering the second prong, it is not enough for the defendant to show errors had  
23 some conceivable effect on the outcome of the proceeding. Indeed, virtually every act or omission  
24 of defense counsel would meet that test. *Id.* Not every error that conceivably could have influenced  
25 the outcome undermines the reliability of the proceeding's result. The question is whether there is a  
26  
27  
28

1 reasonable probability, absent the errors, the fact-finder would have had a reasonable doubt  
2 respecting guilt. Further, when the defendant challenges the sentence, the question is whether there  
3 is a reasonable probability, the sentence—including the appellate court, to the extent it  
4 independently reweighs the evidence—would have concluded the balance of the aggravating and  
5 mitigating circumstances did not warrant the particular sentence. *Id.*, 466 U.S. at 695, 104 S.Ct. at  
6 2068-2069.

7  
8 *MR. RODGERS' First Ground—Ineffective Assistance of Counsel*

9 8. MR. RODGERS claims his fourth-appointed attorney, JOHN P. PARRIS, ESQ., was  
10 ineffective as he failed to timely file the Notice of Appeal—it was filed two days after the deadline  
11 set forth in Rule 4(b)(1)(A) of the Nevada Rules of Appellate Procedure (NRAP). The question here  
12 is, but for the error, was it likely the appeal would have resulted in overturning the Judgment of  
13 Conviction. The only bases MR. RODGERS identified within his Amended Petition to support the  
14 appeal are (1) he and MR. PARRIS had a contentious relationship to the point he (RODGERS) filed  
15 a motion to dismiss his counsel in July 2019,<sup>3</sup> and (2) MR. PARRIS misinformed him regarding the  
16 availability of the material witness, MS. MARTINEZ, to testify at the trial; if he had known she was  
17 not in custody on the material witness warrant and unavailable to testify, MR. RODGERS would not  
18 have pled guilty and would have insisted the trial continue. In this Court's view, MR. RODGERS  
19 did not provide any adequate basis to demonstrate, but for MR. PARRIS' error, the filing of a timely  
20 appeal, more probably than not, would have resulted in a reversal of his conviction. While he claims  
21 his rapport with MR. PARRIS was contentious, the record shows MR. RODGERS had a  
22 disagreeable relationship with all four lawyers who had been appointed to represent him. Most  
23  
24  
25

26 <sup>3</sup>MR. RODGERS filed several motions to dismiss his attorneys. The first was filed July 18, 2016 when he  
27 moved for dismissal of JEREMY WOOD, ESQ. of the Public Defenders' Office. The second was filed April 24, 2017  
28 when, again, he moved to dismiss MR. WOOD. A Motion to Appoint Alternate Counsel was filed August 7, 2018 about  
three (3) weeks after MR. RODGERS pled guilty to committing the crimes set forth in the now-stricken Second  
Amended Information. A fourth Motion to Withdraw as Counsel was filed January 10, 2019.



1 certainly, this Court's decision not to discharge the fourth lawyer is insufficient ground to reverse  
2 the Judgment. Further, whether MR. PARRIS misinformed or withheld information from MR.  
3 RODGERS regarding a material witness warrant is, at best, a red herring as the victim, MS.  
4 MARTINEZ, ultimately was available to testify and would have testified if the trial had ensued.  
5 Contrary to MR. RODGERS' perception, the fact MS. MARTINEZ did not want to testify does not  
6 equate to being unavailable or unwilling to testify. MR. RODGERS made the decision to plead  
7 guilty during jury *voir dire* having the correct information the victim would be present and testify at  
8 trial. Additionally, it should not be lost MR. RODGERS freely and voluntarily admitted his guilt to  
9 committing the crimes as signified within his signed Guilty Plea Agreement filed August 9, 2019  
10 and his answers to the Court's canvass. MR. RODGERS' Amended Petition for Writ of Habeas  
11 Corpus is denied as it seeks overturning the judgment of conviction based upon Ground One or MR.  
12 PARRIS' alleged failure to timely file the appeal.  
13

14  
15 MR. RODGERS' Third Ground—Ineffective Assistance of Counsel

16 9. MR. RODGERS proposes his appellate counsel, MR. PARRIS, was ineffective as he  
17 failed to raise on appeal Petitioner was denied effective assistance of counsel at the preliminary  
18 hearing due to a conflict of interest. According to MR. RODGERS, the Public Defenders' Office  
19 represented him from time of the preliminary hearing to "a few days before trial" <sup>4</sup>when it was  
20 discovered that office had previously represented the victim, MS. MARTINEZ, on a charge of  
21 battery with use of a deadly weapon constituting domestic violence in 2012.<sup>5</sup> It is unfortunate the  
22 Public Defenders' Office did not discover the conflict of interest before the preliminary hearing.  
23 However, within his Amended Petition, MR. RODGERS does not state how this later-discovered  
24  
25

26 <sup>4</sup>According to the Court's record, a motion to withdraw due to conflict of interest was filed in June 2016; the  
27 first trial was scheduled September 2016.

28 <sup>5</sup>See Exhibit F attached to MR. RODGERS' Amended Petition for Writ of Habeas Corpus. While a criminal  
complaint was filed in Justice Court, Las Vegas Township under Case No. 12F18766X, there is no record of the filing of  
an Information or Indictment in the Eighth Judicial District Court, in and for Clark County, Nevada.

1 conflict resulted in his receiving ineffective assistance of counsel at a preliminary hearing where the  
2 judge determines if probable cause exists to believe the defendant committed the crime. MR.  
3 RODGERS does not identify how any errors made by his defense lawyer at the April 2016  
4 preliminary hearing warrants setting aside the Judgment of Conviction entered after MR.  
5 RODGERS pled guilty over three years later on August 23, 2019. In other words, while he makes  
6 conclusory statements his appellate lawyer failed to raise the lack of effectiveness of his legal  
7 representation at the preliminary hearing stage, MR. RODGERS does not state factually *how* such  
8 conduct made counsel ineffective or *how* it affects the Judgment. MR. RODGERS' Amended  
9 Petition for Writ of Habeas Corpus is denied as it seeks vacating the judgment of conviction based  
10 upon Ground Three.  
11

12 MR. RODGERS' Fourth Ground—Ineffective Assistance of Counsel

13  
14 **10.** MR. RODGERS argues he was denied effective assistance of counsel when the  
15 district court denied his Motion to Remand for New Preliminary Hearing, or in the alternative,  
16 Motion to Dismiss in 2017 due to prior counsel's conflict of interest in defending the victim, MS.  
17 MARTINEZ, in a 2012 criminal matter and thereafter representing MR. RODGERS in the instant  
18 case in 2016. Contrary to MR. RODGERS' misguided perception, a court's decision to deny a  
19 motion to remand, or alternatively, motion to dismiss is the action of a judge, and does not, in any  
20 way, suggest ineffectiveness of defense counsel. Further, it is a stretch to propose if it were not for  
21 the court's "error" in denying the alternate motions in 2017, MR. RODGERS would not have pled  
22 guilty to committing the crimes two years later on the second day of trial, August 6, 2019. MR.  
23 RODGERS' Amended Petition for Writ of Habeas Corpus is denied as it seeks to set aside the  
24 Judgment of Conviction based upon Ground Four.  
25

26 ...

27 ...  
28

MR. RODGERS' Ground Five—Ineffective Assistance of Counsel

11. MR. RODGERS proposes he was denied effective assistance of counsel when his lawyer withheld information concerning witness availability in an effort to convince him to plead guilty. The “withheld” information was, supposedly, the Deputy District Attorney did not have the victim, MS. MARTINEZ, in custody on a material witness warrant. Further, MR. PARRIS was ineffective as he attempted to rush the plea bargaining process and sentence without properly reviewing the PSI or allowing MR. RODGERS to review the PSI. MR. RODGERS’ arguments lack credence for various reasons. *First*, contrary to MR. RODGERS’ assessment and as stated *supra*, MS. MARTINEZ was available and would have testified if the trial went forward. She may not have wanted to testify, but she was prepared to testify. According to MR. RODGERS, he made the decision to plead guilty given MS. MARTINEZ’S availability to testify. There was no withholding of information from MR. RODGERS with respect to the witness issue; that is, MR. PARRIS correctly informed his client MS. MARTINEZ would testify. *Second*, a lawyer is not “ineffective” when he does not review a PSI prior to his client entering a guilty plea. In fact, there are many instances where the PSI is not yet drafted when the criminal defendant pleads guilty. *Third*, notwithstanding the fact a lawyer is not “ineffective” when he does not review the PSI before the guilty plea is made by his client, the errors contained within the PSI were corrected on August 6 and 20, 2019. MR. RODGERS’ Amended Petition for Writ of Habeas Corpus is denied as it seeks overturning the Judgment of Conviction based upon Ground Five.

MR. RODGERS' Ground Six—Ineffective Assistance of Counsel

12. MR. RODGERS proposes MR. PARRIS was ineffective as he misled him concerning the availability of DR. NICHOLAS K. HAN, the victim’s attending physician, to testify at trial.<sup>6</sup>

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<sup>6</sup>According to MR. RODGERS, DR. HAN was expected to testify he was MS. MARTINEZ’S attending physician, she was not attacked by a knife and the injury to her ear was consistent “with an ear ring.” He refers to

1 According to MR. RODGERS, DR. HAN could not be found, and for that reason, MR. PARRIS  
2 represented the trial would be continued to December 2019. Thereafter, MR. RODGERS was told it  
3 was the judge's decision not to continue the trial which had been scheduled for the eighth time in  
4 August 2019. Given the unavailability of DR. HAN, MR. RODGERS claims he elected to plead  
5 guilty to committing the crimes set forth within the Second Amended Information. Contrary to MR.  
6 RODGERS' perception, MR. PARRIS' representation he would be seeking a continuance of the trial  
7 due to witness unavailability is not ineffectiveness. Further, it was the Court's decision to maintain  
8 the trial date after it had already been scheduled and rescheduled eight times. Notwithstanding that  
9 premise, MR. RODGERS fails to indicate why DR. HAN, a local doctor, could not have been served  
10 a subpoena to attend and testify at the trial. MR. RODGERS' Amended Petition for Writ of Habeas  
11 Corpus is denied as it seeks to overturn the Judgment of Conviction based upon Ground Six.

12  
13 MR. RODGERS' Ground Nine—Ineffective Assistance of Counsel

14  
15 13. MR. RODGERS claims MR. PARRIS was ineffective for failing to challenge the  
16 Notice of Intent to Seek Punishment as a Habitual Criminal. If he had done so, MR. PARRIS would  
17 have learned the 2001 conviction was dismissed and the 2000 conviction from the State of  
18 Oklahoma was for a misdemeanor and not a felony. MR. RODGERS' position lacks credence for at  
19 least a couple of reasons. *First, and most obvious*, a review of the Judgment of Conviction filed  
20 August 23, 2019 demonstrates MR. RODGERS was not punished as a habitual criminal. He was  
21 convicted of committing four crimes and he was sentenced to serve the ranges of time identified  
22 within the criminal statutes. MR. PARRIS' alleged error, i.e. failure to challenge the Notice, is  
23 harmless. *Second*, and as set forth above, the information concerning the 2001 conviction was  
24 corrected at the August 6, 2019 hearing to reflect MR. RODGERS was accorded treatment under  
25

26  
27  
28 Exhibit M attached to his Amended Petition for Writ of Habeas Corpus, but that document is the STATE'S Notice of  
Intent to Seek Punishment as a Habitual Criminal.

1 NRS 453.3363, and ultimately, that matter was dismissed. Such correction was reflected within the  
2 Judgment of Conviction as well as the PSI. Accordingly, MR. RODGERS' Amended Petition for  
3 Writ of Habeas Corpus is denied as it seeks to overturn the Judgment of Conviction based upon  
4 Ground Nine.

5 MR. RODGERS' Ground Ten—Ineffective Assistance of Counsel

6  
7 14. MR. RODGERS proposes MR. PARRIS was ineffective as he failed to advise him  
8 properly regarding the potential sentence, credit for time served and eligibility of parole. According  
9 to MR. RODGERS, MR. PARRIS informed him if he pled guilty, he would be eligible to apply for  
10 good time credits and reduce the minimum term of his sentence. Whether MR. PARRIS made such a  
11 representation or error is not consequential for at least a couple of reasons. *First*, as shown by his  
12 responses to the judge's canvass on August 6, 2019, MR. RODGERS understood any sentence  
13 imposed would be as a result of the judge's decision and no one could promise him leniency,  
14 probation or other special treatment. *Second*, as shown by the terms of the Guilty Plea Agreement  
15 filed August 6, 2019 and signed by MR. RODGERS and his attorney, "[t]he parties stipulate to  
16 jointly recommend an aggregate sentence of six (6) to twenty (20) years in the Nevada Department  
17 of Corrections. The parties agree the plea is conditioned upon the Court accepting the negotiations.  
18 The State agrees to dismiss case C316167 after rendition of sentence." MR. RODGERS also  
19 acknowledged he had "not been promised or guaranteed any particular sentence by anyone." He  
20 knew his "sentence is to be determined by the Court within the limits prescribed by statute." He also  
21 understood if his "attorney or the State of Nevada or both recommend any specific punishment to the  
22 Court, the Court is not obligated to accept the recommendation." Hence, assuming MR. PARRIS  
23 failed to advise MR. RODGERS properly regarding the potential sentence, credit for time served  
24 and eligibility of parole, such was harmless as MR. RODGERS was made aware by other sources as  
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1 to his sentence set forth within the Judgment of Conviction. MR. RODGERS' Amended Petition for  
2 Writ of Habeas Corpus is denied as it seeks to overturn the conviction based upon Ground Ten.

3 **MR. RODGERS' Fifth and Fourteenth Amendment Claims**

4 **15.** The Fifth Amendment to the United States Constitution states:

5 No person shall be held to answer for a capital, or otherwise infamous crime, unless on a  
6 presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces,  
7 or in the Militia, when in actual service in time of War or public danger; nor shall any person  
8 be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be  
9 compelled in any criminal case to be a witness against himself, nor be deprived of life,  
liberty, or property, without due process of law; nor shall private property be taken for public  
use, without just compensation.

10 **16.** Section 1 of the Fourteenth Amendment to the United States Constitution reads:

11 All persons born or naturalized in the United States and subject to the jurisdiction thereof, are  
12 citizens of the United States and of the State wherein they reside. No State shall make or  
13 enforce any law which shall abridge the privileges or immunities of citizens of the United  
14 States; nor shall any State deprive any person of life, liberty or property, without due process  
of law; nor deny to any person within its jurisdiction the equal protection of the laws.

15 **MR. RODGERS' Ground Two—Denial of Due Process**

16 **17.** MR. RODGERS claims he was denied due process as the district court failed to toll  
17 the timeliness of the appeal in violation of the Fifth and Fourteenth Amendments to the United  
18 States Constitution. Specifically, MR. RODGERS argues he gave "oral" notice of his intention to  
19 appeal at the August 20, 2019 hearing, approximately three days before the Judgment of Conviction  
20 was filed. In his view, as he gave oral notice of his intent to appeal prematurely, the notice must be  
21 treated as filed after entry of the Judgment of Conviction. *See* NRAP 4(b)(2).

22 **18.** NRAP 4(b)(2) provides: "A notice of appeal filed after the announcement of a  
23 decision, sentence or order—but before entry of the judgment or order—shall be treated as filed after  
24 such entry and on the day thereof." In this case, MR. RODGERS may have orally indicated his  
25 intention to appeal on August 20, 2019, but he did not file a Notice of Appeal before the Judgment  
26 of Conviction was issued, and thus, the effect of NRAP(b)(2) is not triggered. The Notice of Appeal  
27  
28

1 was filed September 24, 2019, two days after the deadline for filing such notices under NRAP  
2 4(b)(1)(A), and thus, from a jurisdictional standpoint, the filing was untimely. While MR.  
3 RODGERS proposes the time for filing the Notice of Appeal should have been tolled given his oral  
4 notice of intention to file an appeal, there is nothing contained within the Nevada Rules of Appellate  
5 Procedure that supports such position; this Court did not deny MR. RODGERS due process by  
6 allegedly failing to toll the timeliness of the appeal. MR. RODGERS' Amended Petition for Writ of  
7 Habeas Corpus is denied as it seeks to overturn the Judgment of Conviction based upon Ground  
8 Two.

10 MR. RODGERS' Ground Seven—Denial of Due Process

11 **19.** MR. RODGERS claims he was denied due process when this Court refused to allow  
12 him to withdraw his guilty plea rendered August 6, 2019 based upon “withheld information,  
13 evidence and issues surrounding the PSI” in violation of the Fifth and Fourteenth Amendments. As  
14 noted above, part of the information allegedly withheld by MR. RODGERS' counsel was whether a  
15 material witness warrant had been issued and the victim, MS. MARTINEZ, would be testifying at  
16 the trial. Again, whether a material witness warrant was issued is a “red herring,” as MS.  
17 MARTINEZ was available and willing to testify at the trial. Other withheld information concerned  
18 the availability of DR. HAN, the victim's attending physician, resulting in defense counsel  
19 requesting a trial continuance. The “withholding” of information did not result in MR. RODGERS  
20 being denied due process.

21 **20.** MR. RODGERS also proposes he was denied due process as his attorney “attempted  
22 to rush the plea bargaining process and sentence without properly reviewing a year-old PSI or  
23 allowing Petitioner time to review the PSI with counsel.” As noted above, the PSI was reviewed in  
24 open court on August 6 and 20, 2019 by all attorneys, MR. RODGERS and the Court. Additionally,  
25 MR. RODGERS and his lawyer had a two-week time span to review the PSI between August 6 and  
26  
27  
28

1 20. All corrections MR. RODGERS identified were made to the PSI on August 6 and 20, 2019.  
2 Furthermore, a Supplemental PSI was filed November 22, 2021. To wit, MR. RODGERS was not  
3 denied due process because the PSI was not properly reviewed. MR. RODGERS' Amended Petition  
4 for Writ of Habeas Corpus is denied as it seeks to overturn the Judgment of Conviction based upon  
5 Ground Seven.

6  
7 MR. RODGERS' Ground Eight—Denial of Due Process

8 21. MR. RODGERS proposes he was denied due process as the STATE failed to dismiss  
9 Case No. C-16-316167-1 pursuant to the Guilty Plea Agreement. Such statement is not true; Case  
10 No. C-16-316167-1, the Information of which charged MR. RODGERS of (1) Sex Trafficking, (2)  
11 Living From the Earnings of a Prostitute, (3) Battery with Use of a Deadly Weapon Constituting  
12 Domestic Violence and (4) Sexual Assault, was dismissed August 6, 2019. Further, there were other  
13 incentives accorded MR. RODGERS in exchange for his guilty plea. The Guilty Plea Agreement  
14 entered in this matter also included the reduction of the Kidnapping accusation from First to Second  
15 Degree, the removal of the original Battery and False Imprisonment crimes, the Use of Deadly  
16 Weapon enhancement from the Robbery charge and inclusion of Pandering, the crime allegedly  
17 inflicted upon a different victim, SAVANNAH TAYLOR.

18  
19 22. Within his Amended Petition for Writ of Habeas Corpus, MR. RODGERS also  
20 suggests the STATE comprised the Pandering charge within the Second Amended Information  
21 without him being aware of its inclusion. That position, however, is not true. The Second Amended  
22 Information was attached to the Guilty Plea Agreement reviewed and signed by MR. RODGERS  
23 and his lawyer. MR. RODGERS was also canvassed by this Court concerning the charges contained  
24 in the Second Amended Information:  
25

26 THE COURT: Okay. Mr. Rodgers, have you received a copy of the second amended  
27 information?  
28



1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Okay. You understand, just so that we are all clear, that it is the second  
3 amended information which was filed today is charging with Count 1, Second Degree  
4 Kidnapping a Category B Felony in violation of NRS 200.310, 200.330. Count 2, Robbery,  
5 a Category B Felony in violation of NRS 200.380, Mayhem which is Count 2, a Category B  
6 Felony in violation of NRS 200.280 and Count 4, Pandering, a Category C Felony in  
7 violation of NRS 201.300 subsection 1. Do you understand that?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: How do you plead to those charges?

10 THE DEFENDANT: Guilty.

11 See Recorder's Transcript of Hearing Re: Jury Trial, Day 2 - August 6, 2019, pp. 7-8, filed April 11,  
12 2022. MR. RODGERS was fully aware Count 4, Pandering, would be included within the charges  
13 set forth in the Second Amended Complaint. Further, contrary to MR. RODGERS'  
14 misrepresentations, the STATE did dismiss Case No. C-16-316167-1. MR. RODGERS' Amended  
15 Petition for Writ of Habeas Corpus is denied as it seeks a reversal of the Judgment of Conviction  
16 based upon Ground Eight.

17 **MR. RODGERS' Fifth, Sixth and Fourteenth Amendment Claims**

18 **MR. RODGERS' Ground Eleven—Denial of Due Process**

19 23. Lastly, MR. RODGERS claims his attorney, MR. PARRIS, was ineffective for failing  
20 to challenge the Second Amended "Plea Agreement" that contained a "new improper charge" of  
21 Pandering which violated his constitutional rights under Fifth, Sixth and Fourteenth Amendments to  
22 the United States Constitution. MR. PARRIS, however, was not acting ineffectively for "failing" to  
23 challenge the filing of the Second Amended Information and Guilty Plea Agreement as that was part  
24 of the bargain MR. RODGERS entered. As noted above, MR. RODGERS was fully aware  
25 Pandering was included as Count 4 of the Second Amended Information. The Second Amended  
26 Information was attached to the Guilty Plea Agreement reviewed and signed by MR. RODGERS  
27  
28

1 and his lawyer before Petitioner was canvassed by the Court. MR. RODGERS testified to the Court  
2 he knew he was being charged with committing the crimes set forth in Counts 1 through 4, and he  
3 pled guilty to committing those crimes which included Pandering. *See* Recorder's Transcript of  
4 Hearing Re: Jury Trial, Day 2 - August 6, 2019, pp. 7-8, filed April 11, 2022. MR. RODGERS'  
5 Amended Petition for Writ of Habeas Corpus is denied as it seeks a reversal of the Judgment of  
6 Conviction based upon Ground Eleven.

7  
8 Accordingly, based upon the foregoing Findings of Fact and Conclusions of Law,

9 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** Petitioner CRAIG  
10 RODGERS' Amended Petition for Writ of Habeas Corpus filed December 23, 2021 is denied.

11  
12 Dated this 17th day of May, 2022

13 

14 \_\_\_\_\_  
SUSAN H. JOHNSON, DISTRICT COURT JUDGE

15 **AD9 8D1 125A 5F36**

16 **Susan Johnson**

17 **District Court Judge**  
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1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Craig Rodgers, Plaintiff(s)

CASE NO: A-20-820408-W

7 vs.

DEPT. NO. Department 22

8 William Hutchings Warden,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District  
13 Court. The foregoing Order Denying Motion was served via the court's electronic eFile  
system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 5/17/2022

15 District Court Law Clerk

Dept22LC@clarkcountycourts.us

16  
17 If indicated below, a copy of the above mentioned filings were also served by mail  
18 via United States Postal Service, postage prepaid, to the parties listed below at their last  
known addresses on 5/18/2022

19 Craig Rodgers

Craig Rodgers #1221816

20 P.O. Box 208

21 Indian Springs, NV, 89070



NEOJ

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

CRAIG RODGERS,

Petitioner,

Case No: A-20-820408-W

Dept. No: XXII

vs.

WILLIAM HUTCHINGS, WARDEN; ET.AL.,

Respondent,

**NOTICE OF ENTRY OF ORDER**

**PLEASE TAKE NOTICE** that on May 17, 2022, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on May 18, 2022.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

**CERTIFICATE OF E-SERVICE / MAILING**

I hereby certify that on this 18 day of May 2022, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

Clark County District Attorney's Office  
Attorney General's Office – Appellate Division-

☒ The United States mail addressed as follows:

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/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

*Heather A. Hume*  
CLERK OF THE COURT

1 ODM

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5 CRAIG RODGERS, #1680324,

Case No. A-20-820408-W

6  
7 Petitioner,

Dept. No. XXII

8 Vs.

9 WILLIAM HUTCHINGS, Warden;  
10 STEVEN B. WOLFSON, District  
11 Attorney; and THE STATE OF NEVADA,

12 Respondents.

13 ORDER DENYING PETITIONER CRAIG RODGERS' AMENDED PETITION FOR WRIT  
14 OF HABEAS CORPUS (POST-CONVICTION)

15 On March 5, 2021, this Court issued its Findings of Fact, Conclusions of Law and Order  
16 which denied Petitioner's Petition for Writ of Habeas Corpus (Post Conviction) filed August 31,  
17 2020 upon the basis it was untimely filed or filed outside the time frame outlined in NRS 34.726(1)  
18 ("...a petition that challenges the validity of a judgment or sentence must be filed within 1 year of  
19 the entry of the judgment of conviction..."). On November 5, 2021, the Nevada Court of Appeals  
20 issued its Order of Reversal and Remand, noting, although the Petition for Writ of Habeas Corpus  
21 was filed outside the one-year limit set forth by NRS 34.726(1), it was received by the Court Clerk's  
22 Office within the pertinent time frame; it was the Clerk's responsibility to file the submitted  
23 documents. This Court's judgment was reversed and the matter remanded for proceedings  
24 consistent with the appellate court's order. The case was remitted to this Court on December 1,  
25 2021.

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SUSAN H. JOHNSON  
DISTRICT JUDGE  
DEPARTMENT XXII

1           Thereafter, on December 23, 2021, MR. RODGERS filed his Amended Petition for Writ of  
2 Habeas Corpus (Post Conviction).

3           On March 15, 2022, this Court scheduled MR. RODGERS' Amended Petition for Writ of  
4 Habeas Corpus (Post Conviction) for hearing. Respondents made no appearance and did not oppose  
5 MR. RODGERS' Amended Petition. Having reviewed the papers and pleadings on file herein,  
6 heard MR. RODGERS' oral arguments and taken this matter under advisement, this Court makes the  
7 following Findings of Fact and Conclusions of Law:  
8

9                           **FINDINGS OF FACT AND PROCEDURAL HISTORY**

10           1.       On April 22, 2016, by way of Information, Petitioner CRAIG RODGERS was  
11 charged with committing the crimes of:

12                   a.       Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm  
13 (Category B Felony) in violation of NRS 200.481;

14                   b.       False Imprisonment with Use of a Deadly Weapon (Category B Felony) in  
15 violation of NRS 200.460;

16                   c.       First Degree Kidnapping with Use of a Deadly Weapon Resulting in Bodily  
17 Harm (Category A Felony) in violation of NRS 200.320 and 193.165);

18                   d.       Mayhem with Use of a Deadly Weapon (Category B Felony) in violation of  
19 NRS 200.280 and 193.165; and  
20

21                   e.       Robbery (Category B Felony) in violation of NRS 200.230,  
22

23 all stemming from incidents that allegedly took place on or about March 6, 2015 in Clark County,  
24 Nevada and involving the victim, ANTOINETTE MARTINEZ. *See* Information filed in State v.  
25 Craig Rodgers, Case No. C-16-314359-1. MR. RODGERS was appointed legal counsel through the  
26 Public Defenders' Office. On November 28, 2016, the STATE filed its Notice of Intent to Seek  
27 Punishment as a Habitual Criminal.  
28

1           2.       On June 5, 2017, the Public Defenders' Office filed a Motion to Withdraw as MR.  
2       RODGERS' Counsel based upon conflict of interest in that this office had previously represented  
3       MS. MARTINEZ in an unrelated matter in or about 2012. The Motion to Withdraw was granted  
4       and the Special Public Defenders' Office was confirmed as counsel for MR. RODGERS on June 12,  
5       2017. Less than six months later, on December 6, 2017, the Special Public Defenders' Office filed  
6       its Motion for Withdrawal of Counsel claiming a deterioration of the attorney-client relationship  
7       between it and MR. RODGERS. The Motion was granted on January 3, 2018 and ADAM GILL,  
8       ESQ. was appointed and confirmed as MR. RODGERS' third defense counsel.

10           3.       On July 13, 2018, three days before trial was to commence,<sup>1</sup> July 16, 2018, the  
11       STATE filed an Amended Information, removing the second count of False Imprisonment. On the  
12       second day of jury *voir dire* and pursuant to plea negotiations, the STATE filed a Second Amended  
13       Information, charging MR. RODGERS with committing only two of the original crimes, i.e. First  
14       Degree Kidnapping (Category A Felony) in violation of NRS 200.310 and 200.320) and Mayhem  
15       (Category B Felony) in violation of NRS 200.280 given plea negotiations between the parties. MR.  
16       RODGERS signed the Guilty Plea Agreement which was filed the same day, July 17, 2018. This  
17       Court canvassed MR. RODGERS regarding his guilty plea to ensure it was entered into freely and  
18       voluntarily. *See* Transcript of July 17, 2018 Hearing filed August 13, 2018 in Case No. C-16-  
19       314359-1. As it was satisfied MR. RODGERS was pleading guilty freely and voluntarily, this  
20       Court accepted this Defendant's guilty plea and scheduled the matter for sentencing.

23           4.       On August 7, 2018, MR. RODGERS filed a Motion to Appoint Alternate Counsel as  
24       he desired to withdraw his guilty plea. On August 14, 2018, this Court granted MR. RODGERS'  
25       motion and appointed JOHN PARRIS, ESQ. to review the case; MR. PARRIS confirmed as MR.  
26       RODGERS' fourth defense lawyer on August 28, 2018. On September 6, 2018, the STATE advised

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28           <sup>1</sup>The trial had been scheduled and vacated six (6) times before it actually commenced on July 16, 2018.

1 the Court it stipulated to MR. RODGERS' withdrawal of his guilty plea. Given that stipulation, this  
2 Court allowed MR. RODGERS to withdraw his guilty plea.

3       5.       Approximately one year later, August 5, 2019, just prior to the jury trial commencing,  
4 the STATE requested the Second Amended Information be stricken as MR. RODGERS withdrew  
5 his guilty plea and thus, the parties' negotiated settlement was not consummated. The Second  
6 Amended Information was stricken, resulting in the Amended Information filed July 13, 2018 which  
7 contained all prior counts, except for False Imprisonment, being the operative pleading. During  
8 second day of jury *voir dire*, August 6, 2019, the parties again entered into plea negotiations  
9 resulting in the STATE filing, *anew*, a Second Amended Information charging MR. RODGERS with  
10 committing the crimes of Second Degree Kidnapping (Category B Felony) in violation of NRS  
11 200.310 and 200.320, Robbery (Category B Felony) in violation of NRS 200.230, Mayhem  
12 (Category B Felony) in violation of NRS 200.380 and Pandering (Category C Felony) in violation of  
13 NRS 201.300(1). With his lawyer, MR. RODGERS reviewed and signed the Guilty Plea Agreement  
14 which was filed that same day. This Court again canvassed MR. RODGERS to ensure his plea was  
15 made freely and voluntarily, and thereafter, accepted his guilty plea. After the guilty plea was  
16 accepted by the Court, the STATE moved for sentencing to go forward that day; that motion was not  
17 opposed by MR. RODGERS. The STATE advised the Presentence Investigation Report (PSI) had  
18 been previously completed although it contained an error. On page 4 of the PSI, under "Adult,  
19 Arrest Date of April 20, 2001," it was stated MR. RODGERS had been convicted when, actually,  
20 the matter was given treatment under NRS 453.3363, MR. RODGERS had received an honorable  
21 discharge from probation and case was dismissed. To correct the error, the STATE moved for and  
22 this Court ordered the 2001 conviction be stricken from the PSI. See Stockmeier v. State Board of  
23 Parole Commissioners, 127 Nev. 243, 255 P.3d 209 (2011). Notably, this correction was also  
24 included within the Judgment of Conviction that was later filed on August 23, 2019.



1 MR. RODGERS was adjudged guilty of committing Count I, Second Degree Kidnapping;  
2 Count 2, Robbery; Count 3, Mayhem; and Count 4, Pandering. In addition to the \$25  
3 Administrative Assessment Fee and \$3 DNA Collection Fee, MR. RODGERS was sentenced to  
4 serve as to:

5 Count 1 to a minimum of forty-eight (48) months and a maximum of one hundred eighty  
6 (180) months;

7  
8 Count 2 to a minimum of twenty-four (24) months and a maximum of sixty (60) months to  
9 be served consecutively to that imposed in Count 1;

10 Count 3 to a minimum of twenty-four (24) months and a maximum of sixty (60) months to  
11 be served concurrently to that imposed in Count 2;

12 Count 4 to a minimum of twenty-four (24) months and a maximum of sixty (60) months to  
13 be served concurrently to that imposed in Count 3,

14 all within the Nevada Department of Corrections (NDOC), with 1,218 days credit for time served.

15 The total aggregate sentence was a minimum of seventy-two (72) months and a maximum of two  
16 hundred forty (24) months. As there remained issues regarding restitution and other possible  
17 corrections that needed to be made to the PSI, a hearing was scheduled for August 20, 2019 at 8:30  
18 a.m. See Reporter's Transcript of Hearing: Jury Trial, Day 2, August 6, 2019 filed April 1, 2022 in  
19 Case No. C-16-314359-1.  
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22 6. On August 20, 2019, the STATE represented it would not be requesting restitution  
23 from MR. RODGERS. Other corrections and/or changes were made to the PSI at MR. RODGERS'  
24 request pursuant to Stockmeier. The section on page 1, under II, titled "Charge Information," that  
25 contained on page 7, under IX titled "Plea Negotiations" and the recommendation in Section X to  
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1 delete Count 1 were stricken.<sup>2</sup> As the corrections to the PSI had been made and MR. RODGERS'  
2 concerns were addressed, the Judgment of Conviction was filed August 23, 2019.

3 7. MR. RODGERS filed his Notice of Appeal on September 24, 2019. On November  
4 25, 2019, the Nevada Supreme Court dismissed the appeal as untimely.

5 8. MR. RODGERS has filed an Amended Petition for Writ of Habeas Corpus (Post  
6 Conviction), asserting eleven (11) grounds for relief:

7  
8 *First*, his defense counsel, MR. PARRIS, was ineffective as he failed to file the Notice of  
9 Appeal timely in violation of the Sixth Amendment to the United States Constitution.

10 *Second*, MR. RODGERS was denied due process when the district court failed to toll the  
11 timeliness of appeal in violation of the Fifth and Fourteenth Amendments.

12 *Third*, his appellate counsel was ineffective for failing to raise on appeal MR. RODGERS  
13 was denied effective assistance of counsel at the preliminary hearing due to conflict of interest in  
14 violation of the Sixth Amendment.

15  
16 *Fourth*, MR. RODGERS was denied effective assistance of counsel when the district court  
17 denied his Motion to Remand for New Preliminary Hearing, or in the alternative, Motion to Dismiss  
18 Due to Prior Counsel's Conflict of Interest in violation of the Sixth Amendment.

19 *Fifth*, MR. RODGERS was denied effective assistance of counsel when MR. PARRIS  
20 withheld information from him to convince him to plead guilty in violation of the Sixth Amendment.  
21

22 *Sixth*, MR. RODGERS was denied effective assistance of counsel when his attorney misled  
23 him regarding the defense expert witness' availability for trial in violation of the Sixth Amendment.

24 *Seventh*, MR. RODGERS was denied due process when the district court refused to allow  
25 him to withdraw his guilty plea a second time when the plea was made and based upon withheld  
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28 <sup>2</sup>Also see Recorder's Transcript of Hearing Re: All Pending Motions dated August 20, 2019, pp. 21-22, filed  
April 11, 2022 in Case No. C-16-314359-1.

1 information, evidence and issues surrounding the PSI in violation of his Fifth and Fourteenth  
2 Amendments.

3 *Eighth*, MR. RODGERS was denied due process of law as the STATE failed to dismiss the  
4 case pursuant to the Guilty Plea Agreement in violation of his Fifth and Fourteenth Amendments.

5 *Ninth*, counsel was ineffective for failing to challenge the Notice of Intent to Seek  
6 Punishment as a Habitual Criminal in violation of the Sixth and Fourteenth Amendments.

7 *Tenth*, counsel was ineffective “constitutionally deficient in failing to advise me properly in  
8 response to a potential sentence and time off at sentence and eligibility for parole” in violation of the  
9 Sixth and Fourteenth Amendments.

10 *Eleventh*, counsel was ineffective for failing to challenge the Second Amended Plea  
11 Agreement that contained a new improper charge which was in violation of his Fifth, Sixth and  
12 Fourteenth Amendments.

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15 **CONCLUSIONS OF LAW**

16 1. NRS 34.360 provides: “Every person unlawfully committed, detained, confined or  
17 restrained of his or her liberty, under any pretense whatever, may prosecute a writ of habeas corpus  
18 to inquire into the cause of such imprisonment or restraint.” Habeas corpus is an extraordinary  
19 remedy and appropriate to test the legality of a conviction which is challenged upon constitutional  
20 grounds. Shum v. Fogliani, 82 Nev. 156, 157, 413 P.2d 495, 496 (1966), *overruled on other*  
21 *grounds*, Rahn v. Warden, 88 Nev. 429, 498 P.2d 1344 (1972). Here, MR. RODGERS has filed his  
22 Amended Petition for Habeas Corpus upon the grounds he was denied his constitutional rights as  
23 guaranteed by the Fifth, Sixth and Fourteenth Amendments to the United States Constitution, and as  
24 a consequence, his criminal conviction resulting therefrom was wrongful.

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**MR. RODGERS' Sixth Amendment Claims of Ineffective Assistance of Counsel**

2. The Sixth Amendment to the United States Constitution specifically provides:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusations; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, *and to have the assistance of counsel for his defense.* (Emphasis added).

3. A fair trial is one in which evidence subject to adversarial testing is presented to an impartial tribunal for resolution of issues defined in advance of the proceeding. The right to counsel plays a critical role in the adversarial system embodied within the Sixth Amendment, as access to the lawyer's skill and knowledge is necessary to accord the defendant "ample opportunity to meet the case of the prosecution" to which he is entitled. Adams v. United States ex rel. McCann, 317 U.S. 269, 275-276, 63 S.Ct. 236, 240, 87 L.Ed. 268 (1942), *quoted by* Strickland v. Washington, 466 U.S. 668, 685, 104 S.Ct. 2052, 2063, 80 L.Ed.2d 674 (1984). Thus, an accused is entitled to be assisted by a lawyer, whether retained or appointed, who plays the role necessary to ensure the trial is fair. Strickland, 466 U.S. at 685, 104 S.Ct. at 2063, 80 L.Ed.2d 674. For that reason, the United States Supreme Court has recognized "the right to counsel is the right to *effective* assistance of counsel." *Id.*, *quoting* McMann v. Richardson, 397 U.S. 759, 771 n.14, 90 S.Ct. 1441, 1449 n.14, 25 L.Ed.2d 763 (1970) (Emphasis added).

4. MR. RODGERS must prove the factual allegations underlying his ineffective assistance claims by a preponderance of the evidence. *See* Means v. State, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). His burden to show his lawyers' assistance was so defective as to require reversal of his convictions has two components or prongs: *First*, he must show his attorneys' performance was deficient; that is, he must demonstrate counsel made errors so serious the lawyer was not functioning as "counsel guaranteed MR. RODGERS under the Sixth Amendment. *Second*,

1 MR. RODGERS must show the deficient performance prejudiced his defense. That is, he must  
2 show counsel's errors were so serious as to deprive him of a fair trial, or a trial with a reliable result.  
3 Unless MR. RODGERS has made both showings, it cannot be said his conviction resulted from a  
4 breakdown in the adversary process that renders the result unreliable. *Id.*, 466 U.S. at 687, 104 S.Ct.  
5 at 2064, 80 L.Ed.2d 674. That is, this Court need not analyze both prongs of *Strickland* if MR.  
6 RODGERS makes an insufficient showing on either one.

7  
8 5. In order to eliminate the distorting effects of hindsight, courts indulge in a strong  
9 presumption counsel's representation falls within the broad range of reasonable assistance. *Molina*  
10 *v. State*, 120 Nev. 185, 190 87 P.3d 533, 537 (2004), *citing Kirksey v. State*, 112 Nev. 980, 987, 923  
11 P.2d 1102, 1107 (1996).

12 6. When it considers the first prong set forth above, this Court notes "[e]ffective counsel  
13 does not mean errorless counsel, but rather counsel whose assistance is '[w]ithin the range of  
14 competence demanded of attorneys in criminal cases.'" *Jackson v. Warden*, 91 Nev. 430, 432, 537  
15 P.2d 473, 474 (1975). That is, "[a]n error by counsel, even if professionally unreasonable, does not  
16 warrant setting aside the judgment of a criminal proceeding if the error had no effect on the  
17 judgment." *Strickland*, 466 U.S. at 691, 104 S.Ct. 2066, 80 L.Ed.2d 674. Attorney errors come in  
18 an infinite variety and are as likely to be harmless in a particular case as they are to be prejudicial.  
19 *Id.*, 466 U.S. at 693, 104 S.Ct. at 2067, 80 L.Ed.2d 674. As noted by the United States Supreme  
20 Court in *Strickland*, 466 U.S. at 693, 104 S.Ct. at 2067, 80 L.Ed. 674, "[r]epresentation is an art, and  
21 an act or omission that is unprofessional in one case may be sound or even brilliant in another."

22 7. Considering the second prong, it is not enough for the defendant to show errors had  
23 some conceivable effect on the outcome of the proceeding. Indeed, virtually every act or omission  
24 of defense counsel would meet that test. *Id.* Not every error that conceivably could have influenced  
25 the outcome undermines the reliability of the proceeding's result. The question is whether there is a  
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1 reasonable probability, absent the errors, the fact-finder would have had a reasonable doubt  
2 respecting guilt. Further, when the defendant challenges the sentence, the question is whether there  
3 is a reasonable probability, the sentence—including the appellate court, to the extent it  
4 independently reweighs the evidence—would have concluded the balance of the aggravating and  
5 mitigating circumstances did not warrant the particular sentence. *Id.*, 466 U.S. at 695, 104 S.Ct. at  
6 2068-2069.

7  
8 *MR. RODGERS' First Ground—Ineffective Assistance of Counsel*

9 8. MR. RODGERS claims his fourth-appointed attorney, JOHN P. PARRIS, ESQ., was  
10 ineffective as he failed to timely file the Notice of Appeal—it was filed two days after the deadline  
11 set forth in Rule 4(b)(1)(A) of the Nevada Rules of Appellate Procedure (NRAP). The question here  
12 is, but for the error, was it likely the appeal would have resulted in overturning the Judgment of  
13 Conviction. The only bases MR. RODGERS identified within his Amended Petition to support the  
14 appeal are (1) he and MR. PARRIS had a contentious relationship to the point he (RODGERS) filed  
15 a motion to dismiss his counsel in July 2019,<sup>3</sup> and (2) MR. PARRIS misinformed him regarding the  
16 availability of the material witness, MS. MARTINEZ, to testify at the trial; if he had known she was  
17 not in custody on the material witness warrant and unavailable to testify, MR. RODGERS would not  
18 have pled guilty and would have insisted the trial continue. In this Court's view, MR. RODGERS  
19 did not provide any adequate basis to demonstrate, but for MR. PARRIS' error, the filing of a timely  
20 appeal, more probably than not, would have resulted in a reversal of his conviction. While he claims  
21 his rapport with MR. PARRIS was contentious, the record shows MR. RODGERS had a  
22 disagreeable relationship with all four lawyers who had been appointed to represent him. Most  
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26 <sup>3</sup>MR. RODGERS filed several motions to dismiss his attorneys. The first was filed July 18, 2016 when he  
27 moved for dismissal of JEREMY WOOD, ESQ. of the Public Defenders' Office. The second was filed April 24, 2017  
28 when, again, he moved to dismiss MR. WOOD. A Motion to Appoint Alternate Counsel was filed August 7, 2018 about  
three (3) weeks after MR. RODGERS pled guilty to committing the crimes set forth in the now-stricken Second  
Amended Information. A fourth Motion to Withdraw as Counsel was filed January 10, 2019.

1 certainly, this Court's decision not to discharge the fourth lawyer is insufficient ground to reverse  
2 the Judgment. Further, whether MR. PARRIS misinformed or withheld information from MR.  
3 RODGERS regarding a material witness warrant is, at best, a red herring as the victim, MS.  
4 MARTINEZ, ultimately was available to testify and would have testified if the trial had ensued.  
5 Contrary to MR. RODGERS' perception, the fact MS. MARTINEZ did not want to testify does not  
6 equate to being unavailable or unwilling to testify. MR. RODGERS made the decision to plead  
7 guilty during jury *voir dire* having the correct information the victim would be present and testify at  
8 trial. Additionally, it should not be lost MR. RODGERS freely and voluntarily admitted his guilt to  
9 committing the crimes as signified within his signed Guilty Plea Agreement filed August 9, 2019  
10 and his answers to the Court's canvass. MR. RODGERS' Amended Petition for Writ of Habeas  
11 Corpus is denied as it seeks overturning the judgment of conviction based upon Ground One or MR.  
12 PARRIS' alleged failure to timely file the appeal.  
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14  
15 MR. RODGERS' Third Ground—Ineffective Assistance of Counsel

16 9. MR. RODGERS proposes his appellate counsel, MR. PARRIS, was ineffective as he  
17 failed to raise on appeal Petitioner was denied effective assistance of counsel at the preliminary  
18 hearing due to a conflict of interest. According to MR. RODGERS, the Public Defenders' Office  
19 represented him from time of the preliminary hearing to "a few days before trial" <sup>4</sup>when it was  
20 discovered that office had previously represented the victim, MS. MARTINEZ, on a charge of  
21 battery with use of a deadly weapon constituting domestic violence in 2012.<sup>5</sup> It is unfortunate the  
22 Public Defenders' Office did not discover the conflict of interest before the preliminary hearing.  
23 However, within his Amended Petition, MR. RODGERS does not state how this later-discovered  
24  
25

26 <sup>4</sup>According to the Court's record, a motion to withdraw due to conflict of interest was filed in June 2016; the  
27 first trial was scheduled September 2016.

28 <sup>5</sup>See Exhibit F attached to MR. RODGERS' Amended Petition for Writ of Habeas Corpus. While a criminal  
complaint was filed in Justice Court, Las Vegas Township under Case No. 12F18766X, there is no record of the filing of  
an Information or Indictment in the Eighth Judicial District Court, in and for Clark County, Nevada.

1 conflict resulted in his receiving ineffective assistance of counsel at a preliminary hearing where the  
2 judge determines if probable cause exists to believe the defendant committed the crime. MR.  
3 RODGERS does not identify how any errors made by his defense lawyer at the April 2016  
4 preliminary hearing warrants setting aside the Judgment of Conviction entered after MR.  
5 RODGERS pled guilty over three years later on August 23, 2019. In other words, while he makes  
6 conclusory statements his appellate lawyer failed to raise the lack of effectiveness of his legal  
7 representation at the preliminary hearing stage, MR. RODGERS does not state factually *how* such  
8 conduct made counsel ineffective or *how* it affects the Judgment. MR. RODGERS' Amended  
9 Petition for Writ of Habeas Corpus is denied as it seeks vacating the judgment of conviction based  
10 upon Ground Three.  
11

12 MR. RODGERS' Fourth Ground—Ineffective Assistance of Counsel

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14 **10.** MR. RODGERS argues he was denied effective assistance of counsel when the  
15 district court denied his Motion to Remand for New Preliminary Hearing, or in the alternative,  
16 Motion to Dismiss in 2017 due to prior counsel's conflict of interest in defending the victim, MS.  
17 MARTINEZ, in a 2012 criminal matter and thereafter representing MR. RODGERS in the instant  
18 case in 2016. Contrary to MR. RODGERS' misguided perception, a court's decision to deny a  
19 motion to remand, or alternatively, motion to dismiss is the action of a judge, and does not, in any  
20 way, suggest ineffectiveness of defense counsel. Further, it is a stretch to propose if it were not for  
21 the court's "error" in denying the alternate motions in 2017, MR. RODGERS would not have pled  
22 guilty to committing the crimes two years later on the second day of trial, August 6, 2019. MR.  
23 RODGERS' Amended Petition for Writ of Habeas Corpus is denied as it seeks to set aside the  
24 Judgment of Conviction based upon Ground Four.  
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MR. RODGERS' Ground Five—Ineffective Assistance of Counsel

11. MR. RODGERS proposes he was denied effective assistance of counsel when his lawyer withheld information concerning witness availability in an effort to convince him to plead guilty. The “withheld” information was, supposedly, the Deputy District Attorney did not have the victim, MS. MARTINEZ, in custody on a material witness warrant. Further, MR. PARRIS was ineffective as he attempted to rush the plea bargaining process and sentence without properly reviewing the PSI or allowing MR. RODGERS to review the PSI. MR. RODGERS’ arguments lack credence for various reasons. *First*, contrary to MR. RODGERS’ assessment and as stated *supra*, MS. MARTINEZ was available and would have testified if the trial went forward. She may not have wanted to testify, but she was prepared to testify. According to MR. RODGERS, he made the decision to plead guilty given MS. MARTINEZ’S availability to testify. There was no withholding of information from MR. RODGERS with respect to the witness issue; that is, MR. PARRIS correctly informed his client MS. MARTINEZ would testify. *Second*, a lawyer is not “ineffective” when he does not review a PSI prior to his client entering a guilty plea. In fact, there are many instances where the PSI is not yet drafted when the criminal defendant pleads guilty. *Third*, notwithstanding the fact a lawyer is not “ineffective” when he does not review the PSI before the guilty plea is made by his client, the errors contained within the PSI were corrected on August 6 and 20, 2019. MR. RODGERS’ Amended Petition for Writ of Habeas Corpus is denied as it seeks overturning the Judgment of Conviction based upon Ground Five.

MR. RODGERS' Ground Six—Ineffective Assistance of Counsel

12. MR. RODGERS proposes MR. PARRIS was ineffective as he misled him concerning the availability of DR. NICHOLAS K. HAN, the victim’s attending physician, to testify at trial.<sup>6</sup>

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<sup>6</sup>According to MR. RODGERS, DR. HAN was expected to testify he was MS. MARTINEZ’S attending physician, she was not attacked by a knife and the injury to her ear was consistent “with an ear ring.” He refers to

1 According to MR. RODGERS, DR. HAN could not be found, and for that reason, MR. PARRIS  
2 represented the trial would be continued to December 2019. Thereafter, MR. RODGERS was told it  
3 was the judge's decision not to continue the trial which had been scheduled for the eighth time in  
4 August 2019. Given the unavailability of DR. HAN, MR. RODGERS claims he elected to plead  
5 guilty to committing the crimes set forth within the Second Amended Information. Contrary to MR.  
6 RODGERS' perception, MR. PARRIS' representation he would be seeking a continuance of the trial  
7 due to witness unavailability is not ineffectiveness. Further, it was the Court's decision to maintain  
8 the trial date after it had already been scheduled and rescheduled eight times. Notwithstanding that  
9 premise, MR. RODGERS fails to indicate why DR. HAN, a local doctor, could not have been served  
10 a subpoena to attend and testify at the trial. MR. RODGERS' Amended Petition for Writ of Habeas  
11 Corpus is denied as it seeks to overturn the Judgment of Conviction based upon Ground Six.

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13 MR. RODGERS' Ground Nine—Ineffective Assistance of Counsel

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15 13. MR. RODGERS claims MR. PARRIS was ineffective for failing to challenge the  
16 Notice of Intent to Seek Punishment as a Habitual Criminal. If he had done so, MR. PARRIS would  
17 have learned the 2001 conviction was dismissed and the 2000 conviction from the State of  
18 Oklahoma was for a misdemeanor and not a felony. MR. RODGERS' position lacks credence for at  
19 least a couple of reasons. *First, and most obvious*, a review of the Judgment of Conviction filed  
20 August 23, 2019 demonstrates MR. RODGERS was not punished as a habitual criminal. He was  
21 convicted of committing four crimes and he was sentenced to serve the ranges of time identified  
22 within the criminal statutes. MR. PARRIS' alleged error, i.e. failure to challenge the Notice, is  
23 harmless. *Second*, and as set forth above, the information concerning the 2001 conviction was  
24 corrected at the August 6, 2019 hearing to reflect MR. RODGERS was accorded treatment under  
25

26  
27  
28 Exhibit M attached to his Amended Petition for Writ of Habeas Corpus, but that document is the STATE'S Notice of  
Intent to Seek Punishment as a Habitual Criminal.

1 NRS 453.3363, and ultimately, that matter was dismissed. Such correction was reflected within the  
2 Judgment of Conviction as well as the PSI. Accordingly, MR. RODGERS' Amended Petition for  
3 Writ of Habeas Corpus is denied as it seeks to overturn the Judgment of Conviction based upon  
4 Ground Nine.

5 MR. RODGERS' Ground Ten—Ineffective Assistance of Counsel

6  
7 14. MR. RODGERS proposes MR. PARRIS was ineffective as he failed to advise him  
8 properly regarding the potential sentence, credit for time served and eligibility of parole. According  
9 to MR. RODGERS, MR. PARRIS informed him if he pled guilty, he would be eligible to apply for  
10 good time credits and reduce the minimum term of his sentence. Whether MR. PARRIS made such a  
11 representation or error is not consequential for at least a couple of reasons. *First*, as shown by his  
12 responses to the judge's canvass on August 6, 2019, MR. RODGERS understood any sentence  
13 imposed would be as a result of the judge's decision and no one could promise him leniency,  
14 probation or other special treatment. *Second*, as shown by the terms of the Guilty Plea Agreement  
15 filed August 6, 2019 and signed by MR. RODGERS and his attorney, "[t]he parties stipulate to  
16 jointly recommend an aggregate sentence of six (6) to twenty (20) years in the Nevada Department  
17 of Corrections. The parties agree the plea is conditioned upon the Court accepting the negotiations.  
18 The State agrees to dismiss case C316167 after rendition of sentence." MR. RODGERS also  
19 acknowledged he had "not been promised or guaranteed any particular sentence by anyone." He  
20 knew his "sentence is to be determined by the Court within the limits prescribed by statute." He also  
21 understood if his "attorney or the State of Nevada or both recommend any specific punishment to the  
22 Court, the Court is not obligated to accept the recommendation." Hence, assuming MR. PARRIS  
23 failed to advise MR. RODGERS properly regarding the potential sentence, credit for time served  
24 and eligibility of parole, such was harmless as MR. RODGERS was made aware by other sources as  
25  
26  
27  
28

1 to his sentence set forth within the Judgment of Conviction. MR. RODGERS' Amended Petition for  
2 Writ of Habeas Corpus is denied as it seeks to overturn the conviction based upon Ground Ten.

3 **MR. RODGERS' Fifth and Fourteenth Amendment Claims**

4 **15.** The Fifth Amendment to the United States Constitution states:

5 No person shall be held to answer for a capital, or otherwise infamous crime, unless on a  
6 presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces,  
7 or in the Militia, when in actual service in time of War or public danger; nor shall any person  
8 be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be  
9 compelled in any criminal case to be a witness against himself, nor be deprived of life,  
liberty, or property, without due process of law; nor shall private property be taken for public  
use, without just compensation.

10 **16.** Section 1 of the Fourteenth Amendment to the United States Constitution reads:

11 All persons born or naturalized in the United States and subject to the jurisdiction thereof, are  
12 citizens of the United States and of the State wherein they reside. No State shall make or  
13 enforce any law which shall abridge the privileges or immunities of citizens of the United  
14 States; nor shall any State deprive any person of life, liberty or property, without due process  
of law; nor deny to any person within its jurisdiction the equal protection of the laws.

15 **MR. RODGERS' Ground Two—Denial of Due Process**

16 **17.** MR. RODGERS claims he was denied due process as the district court failed to toll  
17 the timeliness of the appeal in violation of the Fifth and Fourteenth Amendments to the United  
18 States Constitution. Specifically, MR. RODGERS argues he gave "oral" notice of his intention to  
19 appeal at the August 20, 2019 hearing, approximately three days before the Judgment of Conviction  
20 was filed. In his view, as he gave oral notice of his intent to appeal prematurely, the notice must be  
21 treated as filed after entry of the Judgment of Conviction. *See* NRAP 4(b)(2).  
22

23 **18.** NRAP 4(b)(2) provides: "A notice of appeal filed after the announcement of a  
24 decision, sentence or order—but before entry of the judgment or order—shall be treated as filed after  
25 such entry and on the day thereof." In this case, MR. RODGERS may have orally indicated his  
26 intention to appeal on August 20, 2019, but he did not file a Notice of Appeal before the Judgment  
27 of Conviction was issued, and thus, the effect of NRAP(b)(2) is not triggered. The Notice of Appeal  
28

1 was filed September 24, 2019, two days after the deadline for filing such notices under NRAP  
2 4(b)(1)(A), and thus, from a jurisdictional standpoint, the filing was untimely. While MR.  
3 RODGERS proposes the time for filing the Notice of Appeal should have been tolled given his oral  
4 notice of intention to file an appeal, there is nothing contained within the Nevada Rules of Appellate  
5 Procedure that supports such position; this Court did not deny MR. RODGERS due process by  
6 allegedly failing to toll the timeliness of the appeal. MR. RODGERS' Amended Petition for Writ of  
7 Habeas Corpus is denied as it seeks to overturn the Judgment of Conviction based upon Ground  
8 Two.

10 MR. RODGERS' Ground Seven—Denial of Due Process

11 **19.** MR. RODGERS claims he was denied due process when this Court refused to allow  
12 him to withdraw his guilty plea rendered August 6, 2019 based upon “withheld information,  
13 evidence and issues surrounding the PSI” in violation of the Fifth and Fourteenth Amendments. As  
14 noted above, part of the information allegedly withheld by MR. RODGERS' counsel was whether a  
15 material witness warrant had been issued and the victim, MS. MARTINEZ, would be testifying at  
16 the trial. Again, whether a material witness warrant was issued is a “red herring,” as MS.  
17 MARTINEZ was available and willing to testify at the trial. Other withheld information concerned  
18 the availability of DR. HAN, the victim's attending physician, resulting in defense counsel  
19 requesting a trial continuance. The “withholding” of information did not result in MR. RODGERS  
20 being denied due process.

21 **20.** MR. RODGERS also proposes he was denied due process as his attorney “attempted  
22 to rush the plea bargaining process and sentence without properly reviewing a year-old PSI or  
23 allowing Petitioner time to review the PSI with counsel.” As noted above, the PSI was reviewed in  
24 open court on August 6 and 20, 2019 by all attorneys, MR. RODGERS and the Court. Additionally,  
25 MR. RODGERS and his lawyer had a two-week time span to review the PSI between August 6 and  
26  
27  
28

1 20. All corrections MR. RODGERS identified were made to the PSI on August 6 and 20, 2019.  
2 Furthermore, a Supplemental PSI was filed November 22, 2021. To wit, MR. RODGERS was not  
3 denied due process because the PSI was not properly reviewed. MR. RODGERS' Amended Petition  
4 for Writ of Habeas Corpus is denied as it seeks to overturn the Judgment of Conviction based upon  
5 Ground Seven.

6  
7 MR. RODGERS' Ground Eight—Denial of Due Process

8 21. MR. RODGERS proposes he was denied due process as the STATE failed to dismiss  
9 Case No. C-16-316167-1 pursuant to the Guilty Plea Agreement. Such statement is not true; Case  
10 No. C-16-316167-1, the Information of which charged MR. RODGERS of (1) Sex Trafficking, (2)  
11 Living From the Earnings of a Prostitute, (3) Battery with Use of a Deadly Weapon Constituting  
12 Domestic Violence and (4) Sexual Assault, was dismissed August 6, 2019. Further, there were other  
13 incentives accorded MR. RODGERS in exchange for his guilty plea. The Guilty Plea Agreement  
14 entered in this matter also included the reduction of the Kidnapping accusation from First to Second  
15 Degree, the removal of the original Battery and False Imprisonment crimes, the Use of Deadly  
16 Weapon enhancement from the Robbery charge and inclusion of Pandering, the crime allegedly  
17 inflicted upon a different victim, SAVANNAH TAYLOR.

18  
19 22. Within his Amended Petition for Writ of Habeas Corpus, MR. RODGERS also  
20 suggests the STATE comprised the Pandering charge within the Second Amended Information  
21 without him being aware of its inclusion. That position, however, is not true. The Second Amended  
22 Information was attached to the Guilty Plea Agreement reviewed and signed by MR. RODGERS  
23 and his lawyer. MR. RODGERS was also canvassed by this Court concerning the charges contained  
24 in the Second Amended Information:  
25

26 THE COURT: Okay. Mr. Rodgers, have you received a copy of the second amended  
27 information?  
28

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Okay. You understand, just so that we are all clear, that it is the second  
3 amended information which was filed today is charging with Count 1, Second Degree  
4 Kidnapping a Category B Felony in violation of NRS 200.310, 200.330. Count 2, Robbery,  
5 a Category B Felony in violation of NRS 200.380, Mayhem which is Count 2, a Category B  
6 Felony in violation of NRS 200.280 and Count 4, Pandering, a Category C Felony in  
7 violation of NRS 201.300 subsection 1. Do you understand that?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: How do you plead to those charges?

10 THE DEFENDANT: Guilty.

11 See Recorder's Transcript of Hearing Re: Jury Trial, Day 2 - August 6, 2019, pp. 7-8, filed April 11,  
12 2022. MR. RODGERS was fully aware Count 4, Pandering, would be included within the charges  
13 set forth in the Second Amended Complaint. Further, contrary to MR. RODGERS'  
14 misrepresentations, the STATE did dismiss Case No. C-16-316167-1. MR. RODGERS' Amended  
15 Petition for Writ of Habeas Corpus is denied as it seeks a reversal of the Judgment of Conviction  
16 based upon Ground Eight.

17 **MR. RODGERS' Fifth, Sixth and Fourteenth Amendment Claims**

18 **MR. RODGERS' Ground Eleven—Denial of Due Process**

19 23. Lastly, MR. RODGERS claims his attorney, MR. PARRIS, was ineffective for failing  
20 to challenge the Second Amended "Plea Agreement" that contained a "new improper charge" of  
21 Pandering which violated his constitutional rights under Fifth, Sixth and Fourteenth Amendments to  
22 the United States Constitution. MR. PARRIS, however, was not acting ineffectively for "failing" to  
23 challenge the filing of the Second Amended Information and Guilty Plea Agreement as that was part  
24 of the bargain MR. RODGERS entered. As noted above, MR. RODGERS was fully aware  
25 Pandering was included as Count 4 of the Second Amended Information. The Second Amended  
26 Information was attached to the Guilty Plea Agreement reviewed and signed by MR. RODGERS  
27  
28

1 and his lawyer before Petitioner was canvassed by the Court. MR. RODGERS testified to the Court  
2 he knew he was being charged with committing the crimes set forth in Counts 1 through 4, and he  
3 pled guilty to committing those crimes which included Pandering. *See* Recorder's Transcript of  
4 Hearing Re: Jury Trial, Day 2 - August 6, 2019, pp. 7-8, filed April 11, 2022. MR. RODGERS'  
5 Amended Petition for Writ of Habeas Corpus is denied as it seeks a reversal of the Judgment of  
6 Conviction based upon Ground Eleven.

7  
8 Accordingly, based upon the foregoing Findings of Fact and Conclusions of Law,

9 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** Petitioner CRAIG  
10 RODGERS' Amended Petition for Writ of Habeas Corpus filed December 23, 2021 is denied.

11  
12 Dated this 17th day of May, 2022

13 

14 \_\_\_\_\_  
SUSAN H. JOHNSON, DISTRICT COURT JUDGE

15 **AD9 8D1 125A 5F36**  
16 **Susan Johnson**  
17 **District Court Judge**



1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Craig Rodgers, Plaintiff(s)

CASE NO: A-20-820408-W

7 vs.

DEPT. NO. Department 22

8 William Hutchings Warden,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District  
13 Court. The foregoing Order Denying Motion was served via the court's electronic eFile  
system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 5/17/2022

15 District Court Law Clerk

Dept22LC@clarkcountycourts.us

16  
17 If indicated below, a copy of the above mentioned filings were also served by mail  
18 via United States Postal Service, postage prepaid, to the parties listed below at their last  
known addresses on 5/18/2022

19 Craig Rodgers

Craig Rodgers #1221816

20 P.O. Box 208

21 Indian Springs, NV, 89070

*Steven D. Grierson*

Craig Rodgers  
In Propria Personam  
Post Office Box 208, S.D.C.C.  
Indian Springs, Nevada 89018

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

Craig Rodgers

Plaintiff,

vs.

William Hutchings, warden  
State of Nevada  
Defendant.

Case No. A-20-820408-2

Dept. No. 22

Docket \_\_\_\_\_

### NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,  
Craig Rodgers, in and through his proper person, hereby  
appeals to the Supreme Court of Nevada from the ORDER denying and/or  
dismissing the

Amended Petition for writ of habeas corpus

ruled on the 17 day of May, 2022.

Dated this 25<sup>th</sup> day of May, 20 22.

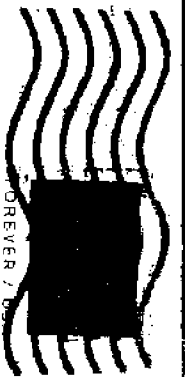
Respectfully Submitted,

*an m*

RECEIVED  
MAY 31 2022  
CLERK OF THE COURT

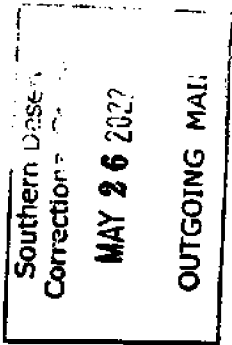
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LAS VEGAS NV 890  
26 MAY 2022 PM 3 L



STEVEN GRIFFIN  
CLERK of the CLERK  
100 LEWIS AVE 3rd Floor  
Las Vegas, NV 89155

5-25-22



*Steven D. Grierson*

Craig Rodgers, 1/22/8/6  
Petitioner/In Propria Persona  
Post Office Box 208, SDCC  
Indian Springs, Nevada 89070-0208

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

Craig Rodgers,  
Plaintiff,  
vs.  
William Hutchins,  
Defendant.  
State of Nevada

CASE No. A-20-820408-W  
DEPT. No. 22

DESIGNATION OF RECORD ON APPEAL

TO:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

DATED this 25th day of May, 2022.

RESPECTFULLY SUBMITTED BY:

Craig Rodgers 1/22/8/6  
Plaintiff/In Propria Persona

**CERTIFICATE OF SERVICE BY MAILING**

I, Chris Peters, hereby certify, pursuant to NRCP 5(b), that on this 25<sup>th</sup>  
day of May, 2022, I mailed a true and correct copy of the foregoing, "Notice of appeal"

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the  
United State Mail addressed to the following:

Steve Jensen  
200 Lewis Ave 3rd Floor  
Las Vegas NV 89155

Steve Wolfson  
200 Lewis Ave  
Las Vegas NV 89155-2212

CC: FILE

DATED: this 25 day of May, 2022.

Chris Rodgers #1221316  
/In Propria Personam  
Post Office Box 208, S.D.C.C.  
Indian Springs, Nevada 89018  
**IN FORMA PAUPERIS:**

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding \_\_\_\_\_

Notice of appeal  
(Title of Document)

filed in District Court Case number A-26-820408-W

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

-OR-


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

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

\_\_\_\_\_  
(State specific law)

-or-

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

  
Signature

5-24-22  
Date

Craig Rodgers  
Print Name

\_\_\_\_\_  
Title



1 ASTA

2  
3  
4  
5  
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**  
9

10 CRAIG RODGERS,

11 Plaintiff(s),

12 vs.

13 WILLIAM HUTCHINGS, WARDEN; STEVEN B.  
14 WOLFSON, DISTRICT ATTORNEY; STATE OF  
NEVADA,

15 Defendant(s),  
16  
17

Case No: A-20-820408-W

Dept No: XXII

18 **CASE APPEAL STATEMENT**

19 1. Appellant(s): Craig Rodgers

20 2. Judge: Susan Johnson

21 3. Appellant(s): Craig Rodgers

22 Counsel:

23 Craig Rodgers #1221816  
24 P.O. Box 208  
25 Indian Springs, NV 89070

26 4. Respondent (s): William Hutchings, Warden; Steven B. Wolfson, District Attorney; State of  
27 Nevada

28 Counsel:

Steven B. Wolfson, District Attorney  
200 Lewis Ave.  
Las Vegas, NV 89155-2212

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

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

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

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

8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: Yes, September 9, 2020  
*\*\*Expires 1 year from date filed* (Expired)  
Appellant Filed Application to Proceed in Forma Pauperis: Yes,  
Date Application(s) filed: October 21, 2020

9. Date Commenced in District Court: August 31, 2020

10. Brief Description of the Nature of the Action: Civil Writ

Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 79714, 81533, 82108, 82645, 83301, 83517, 83816,  
84718

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 3 day of June 2022.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

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

cc: Craig Rodgers



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**December 21, 2020**

---

A-20-820408-W      Craig Rodgers, Plaintiff(s)  
vs.  
William Hutchings Warden, Defendant(s)

---

**December 21, 2020      3:00 AM      Minute Order**

**HEARD BY:** Johnson, Susan      **COURTROOM:** Chambers

**COURT CLERK:** Keri Cromer

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Having examined Petitioner s Motion to Appoint Counsel filed December 8, 2020, noted this Court previously denied Petitioner s Ex Parte Motion to Appoint Counsel as set forth within its Order filed October 27, 2020, and further, the second motion filed December 8, 2020 was not served upon Defendants, and there is good cause therefore, COURT ORDERS Petitioner s (second) Motion to Appoint Counsel filed December 8, 2020 is DENIED. The matter scheduled to be heard Tuesday, January 12 2021 at 8:30 a.m. is VACATED. Defense counsel is to prepare and submit a proposed Order to the Court within fourteen (14) days of this Minute Order or no later than Monday, January 4, 2021 pursuant to EDCR 7.21.

CLERK'S NOTE: The above minute order has been distributed to counsel by the Court Clerk via electronic service, facsimile and/or mail. kc//12-21-20

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**January 07, 2021**

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A-20-820408-W      Craig Rodgers, Plaintiff(s)  
vs.  
William Hutchings Warden, Defendant(s)

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**January 07, 2021      9:00 AM      All Pending Motions**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Keri Cromer

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES**

**PRESENT:**      Rose, Steven      Attorney

**JOURNAL ENTRIES**

- PETITION FOR WRIT OF HABEAS CORPUS...STATE'S RESPONSE AND MOTION TO DISMISS  
PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)

Court reviewed the procedural history of the case. State advised it would submit on the pleadings if the Court was to make a ruling today. COURT ORDERED, matter CONTINUED 30 days for Mr. Rodgers to either reply to the State's Response or to arrange his appearance at the next court date.

CONTINUED TO 02/04/2021 - 9:00 AM

CLERK'S NOTE: The above minute order has been distributed to: Craig Rodgers, #1221816, P.O. Box 208, Indian Springs, NV 89070 kc//1/7/21

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**February 04, 2021**

---

A-20-820408-W      Craig Rodgers, Plaintiff(s)  
vs.  
William Hutchings Warden, Defendant(s)

---

**February 04, 2021      9:00 AM      All Pending Motions**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Keri Cromer

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES**

**PRESENT:**      Rose, Steven      Attorney

**JOURNAL ENTRIES**

- PETITION FOR WRIT OF HABEAS CORPUS...STATE'S RESPONSE AND MOTION TO DISMISS  
PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)

Court advised Mr. Rodgers did not do what was requested of him at the last hearing; he did not file a response and he did not make an attempt to appear today and make oral arguments. Mr. Rose advised he sent an additional copy of their Response to Mr. Rodgers, along with a certificate of service. COURT ORDERED, Petition DENIED; Motion GRANTED. Mr. Rose to prepare findings of fact and conclusions of law.

CLERK'S NOTE: The above minute order has been distributed to: Craig Rodgers, #1221816. PO Box 208, Indian Springs, NV 89070 kc//2/4/21

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**August 26, 2021**

---

A-20-820408-W      Craig Rodgers, Plaintiff(s)  
vs.  
William Hutchings Warden, Defendant(s)

---

**August 26, 2021      3:00 AM      Minute Order**

**HEARD BY:** Johnson, Susan      **COURTROOM:** Chambers

**COURT CLERK:** Louisa Garcia

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Having examined Petitioner's "Rule 60(B) Motion" and Motion for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference, both filed August 18, 2021, noted this Court previously decided the same issues raised in the current "Rule 60(B) Motion" as set forth within its Order Denying Petitioner's Motion for Reconsideration and Rehearing for Writ of Habeas Corpus filed April 27, 2021, and there is good cause therefore, COURT ORDERS Petitioner's "Rule 60(B) Motion" filed August 18, 2021 is DENIED for the same reasons set forth within this Court's April 27, 2021 Order. Petitioner's Motion for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference filed August 18, 2021 is DENIED as MOOT. The matter scheduled to be heard Tuesday, September 21, 2021 at 8:30 a.m. is VACATED.

CLERK'S NOTE: The above minute order has been distributed to: Craig Rodgers, #1221816. PO Box 208, Indian Springs, NV 89070.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**March 15, 2022**

---

A-20-820408-W      Craig Rodgers, Plaintiff(s)  
vs.  
William Hutchings Warden, Defendant(s)

---

**March 15, 2022      8:30 AM      Petition for Writ of Habeas  
Corpus**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Keri Cromer

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES**

**PRESENT:**      Rodgers, Craig      Plaintiff

**JOURNAL ENTRIES**

- Appearances made via BlueJeans Videoconferencing Application: Craig Rogers.

Court stated no appearance was made on behalf of the State. Arguments by Craig Rogers. COURT ORDERED, Amended Petition for Writ of Habeas Corpus UNDER ADVISEMENT.

# Certification of Copy and Transmittal of Record

State of Nevada }  
County of Clark } SS:

Pursuant to the Supreme Court order dated June 14, 2022, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises three volumes with pages numbered 1 through 584.

CRAIG RODGERS,

Plaintiff(s),

vs.

WILLIAM HUTCHINGS, WARDEN; STATE  
OF NEVADA; STEVEN B. WOLFSON,  
DISTRICT ATTORNEY,

Defendant(s),

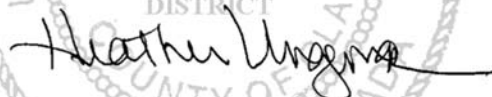
Case No: A-20-820408-W

Dept. No: XXII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 23 day of June 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk