

IN THE SUPREME COURT OF THE STATE OF NEVADA

GREGORY DELLO MORGAN,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Electronically Filed
Jul 14 2022 02:27 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No: A-22-847232-W
Related Case C-19-344461-1
Docket No: 84898

RECORD ON APPEAL

ATTORNEY FOR APPELLANT
GREGORY MORGAN #1196223,
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-22-847232-W Gregory Morgan, Plaintiff(s) vs. William Hutching, Warden SDCC,
Defendant(s)

I N D E X

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Gregory Morgan, 1196223
Petitioner In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070

FILED
JAN 25 2022

John T. Blum
CLERK OF COURT

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

Gregory D. Morgan

Petitioner,

vs.

William Hutching Warden
Southern Desert
Correctional Center

Respondent(s).

Case No. **A-22-847232-W**

Dept. No. **Dept. 32**

Docket _____

PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

INSTRUCTIONS:

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

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

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

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

15 PETITION

16 1. Name of institution and county in which you are presently imprisoned or where and who you
17 are presently restrained of your liberty: Southern Desert Correctional Center, Clark County

18 2. Name the location of court which entered the judgment of conviction under attack: 8th
19 Judicial District Court, Clark County Nevada

20 3. Date of judgment of conviction: 1-21-2021

21 4. Case number: C-19-344461-1

22 5. (a) Length of sentence: Aggregate total is 60 months to 180 months

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

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

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

27 7. Nature of offense involved in conviction being challenged: Count 1 - Conspiracy to
28 Commit Robbery, Count 2 - Robbery, Count 3 - Burglary

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

2 (a) Not guilty ☐

3 (b) Guilty ☒

4 (c) Nolo contendere ☐

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

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

10 (a) Jury ☐

11 (b) Judge without a jury ☒

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

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

14 Yes ☐ No ☒

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

16 (a) Name of court:

17 (b) Case number or citation:

18 (c) Result:

19 (d) Date of appeal:

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

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

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

27

28

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

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

3 (2) Nature of proceedings: _____

4 (3) Grounds raised : _____

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

6 Yes ____ No ☒

7 (5) Result: _____

8 (6) Date of result: _____

9 (7) If known, citations of any written opinion or date of orders entered pursuant to each

10 result: _____

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

12 (1) Name of Court: _____

13 (2) Nature of proceeding: _____

14 (3) Grounds raised: _____

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

16 Yes ____ No ____

17 (5) Result: _____

18 (6) Date of result: _____

19 (7) If known, citations or any written opinion or date of orders entered pursuant to each

20 result: _____

21 (c) As to any third or subsequent additional application or motions, give the same

22 information as above, list them on a separate sheet and attach.

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

3 (1) First petition, application or motion?

4 Yes ___ No ☒

5 Citation or date of decision: _____

6 (2) Second petition, application or motion?

7 Yes ___ No ☒

8 Citation or date of decision: _____

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

13 _____
14 N/A

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

18 (a) Which of the grounds is the same: N/A

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

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

26 N/A
27 _____
28 _____

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

8 19. Are you filing this petition more than one (1) year following the filing of the judgment of
9 conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay.
10 (You must relate specific facts in response to this question. Your response may be included on
11 paper which is 8 1/2 x 11 inches attached to the petition. Your response may not exceed five
12 handwritten or typewritten pages in length). No
13 _____
14 _____

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

17 Yes _____ No ☒

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

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

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

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

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

3 23. (a) GROUND ONE: 5Th, 6Th, 14Th Violate of Admendment
4
5
6

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

8 While I was incarcerated at High desert Stat Prison the
9 Court violated my Admendment by never Serving me with
10 a Notice to Seek Indictment, which violated my due process
11 of law, which I am entitled to equal protection of the
12 law. On 11-5-2019 at 7:30am there was a grand jury
13 indictment Return - Case closed - Dismissed Grand jury
14 Judgment entered. Anything after I was never notify
15 of any Indictment which was a clear violation
16
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1 23. (b) GROUND TWO: Ineffective assistance of Counsel

2
3
4
5 23. (b) SUPPORTING FACTS (Tell your story briefly without citing cases or law):

6 Alex Bassett failed to file a petition for writ of
7 mandamus to challenge the Grand Jury Indictment.
8 Alex Bassett did not allow me to see the exculpatory
9 evidence (Video Tape) in my case which would show
10 I never committed a Robbery, nor were there any gun.
11 Alex Bassett lied to me ~~on~~ more than (one) time.
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23. (c) GROUND THREE: _____

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

1	23. (d) GROUND FOUR: _____
2	_____
3	_____
4	_____
5	23. (d) SUPPORTING FACTS (Tell your story briefly without citing cases or law): _____
6	_____
7	_____
8	_____
9	_____
10	_____
11	_____
12	_____
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14	_____
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21	_____
22	_____
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24	_____
25	_____
26	_____
27	_____
28	10

1196223

1 WHEREFORE, Gregory D. Morgan, prays that the court grant Writ of Habeas Corpus
2 relief to which he may be entitled in this proceeding.

3 EXECUTED at Southern Desert Correctional Center
4 on the 10 day of Jan, 2022.

5
6 Gregory D. Morgan
7 Signature of Petitioner

8 VERIFICATION

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

13
14 Gregory Morgan
15 Signature of Petitioner

16
17
18 _____
Attorney for Petitioner

CERTIFICATE OF SERVICE BY MAILING

I, Gregory Morgan, hereby certify, pursuant to NRCP 5(b), that on this 10th
day of Jan, 2022 I mailed a true and correct copy of the foregoing, "Petition for
Writ of habeas Corpus (Post Conviction)"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

Steven D. Grierson
200 Lewis Ave. 3rd Floor
Las Vegas, NV
89155-1160

CC:FILE

DATED: this 10th day of Jan, 2022.

Gregory D. Morgan
Gregory D. Morgan # 1196225
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Petition

For Writ of Habeas Corpus (Post Conviction)
(Title of Document)

filed in District Court Case number C-19-344461-1

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

-OR-

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

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

(State specific law)

-or-

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

Gregory Morgan
Signature

1-10-2022
Date

Gregory Morgan
Print Name

Petitioner
Title

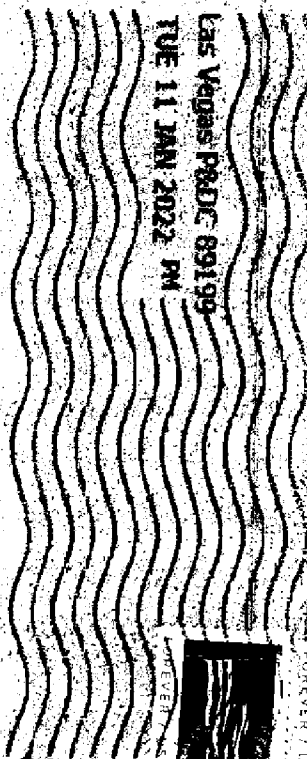
Gregory D. Morgan #1496223
S.D.C.
P.O. Box 208
Indian Springs, NV 89070

Legal
Mail

Steven D. Giersohn
C/o Clerk of the Court
200 Lewis Ave, 3rd Floor
Las Vegas, NV 89155-1160

Legal Mail

RECEIVED
JAN 13 2022
CLERK OF THE COURT



Legal

Heather A. Smith
CLERK OF THE COURT

1 PPOW
2

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

5 Gregory Morgan,

6 Petitioner,

7 vs.

8 William Hutching, Warden SDCC,

9 Respondent,
10

Case No: A-22-847232-W
Department 32

**ORDER FOR PETITION FOR
WRIT OF HABEAS CORPUS**

11 Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on
12 January 25, 2022. The Court has reviewed the Petition and has determined that a response would assist
13 the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and
14 good cause appearing therefore,

15 **IT IS HEREBY ORDERED** that Respondent shall, within 45 days after the date of this Order,
16 answer or otherwise respond to the Petition and file a return in accordance with the provisions of NRS
17 34.360 to 34.830, inclusive.

18 **IT IS HEREBY FURTHER ORDERED** that this matter shall be placed on this Court's

19 Calendar on the 7th day of April, 2022, at the hour of

20 8:30 am

21 ~~o'clock~~ for further proceedings.

Dated this 1st day of February, 2022

22 *Christy Craig*
23
24

25 District Court Judge

26 54A EC8 E433 79EE

27 Christy Craig

28 District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Gregory Morgan, Plaintiff(s)

CASE NO: A-22-847232-W

7 vs.

DEPT. NO. Department 32

8 William Hutching, Warden
9 SDCC, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 Electronic service was attempted through the Eighth Judicial District Court's
13 electronic filing system, but there were no registered users on the case.

14 If indicated below, a copy of the above mentioned filings were also served by mail
15 via United States Postal Service, postage prepaid, to the parties listed below at their last
16 known addresses on 2/2/2022

17 Gregory Morgan

#1196223

SDCC

P.O. Box 208

Indian Springs, NV, 89070



RSPN
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JONATHAN E. VANBOSKERCK
Chief Deputy District Attorney
Nevada Bar #006528
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

GREGORY DELLO MORGAN,
2752270

Defendant.

CASE NO: A-22-847232-W
C-19-344461-1
DEPT NO: XXXII

**STATE'S RESPONSE TO DEFENDANT'S PETITION FOR
WRIT OF HABEAS CORPUS (POST-CONVICTION)**

DATE OF HEARING: April 7, 2022
TIME OF HEARING: 8:30 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JONATHAN E. VANBOSKERCK, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Response to Defendant's Petition for Writ Of Habeas Corpus (Post-Conviction).

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

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On November 1, 2019, the Grand Jury indicted Gregory Dello Morgan ("Petitioner")
4 with Count One: Grand Larceny (Category C Felony – NRS 205.220.1, 205.222.2); Count
5 Two: Conspiracy to Commit Robbery (Category B Felony – NRS 200.380, 199.480); Count
6 Three: Robbery with Use of a Deadly Weapon (Category B Felony – NRS 200.380, 193.165);
7 Count Four: Burglary While in Possession of a Deadly Weapon (Category B Felony – NRS
8 206.060); Count Five: Burglary (Category B Felony – NRS 205.060); Count Six: Burglary
9 While in Possession of a Deadly Weapon (Category B Felony – NRS 206.060); Count Seven:
10 Grand Larceny (Category C Felony – NRS 205.220.1, 205.222.2); Count Eight: Conspiracy to
11 Commit Robbery (Category B Felony – NRS 200.380, 199.480); Count Nine: Robbery with
12 Use of a Deadly Weapon (Category B Felony – NRS 200.380, 193.165); Count Ten: Burglary
13 (Category B Felony – NRS 205.060); Count Eleven: Grand Larceny (Category C Felony –
14 NRS 205.220.1, 205.222.2); and Count Twelve: Burglary (Category B Felony – NRS
15 205.060). Indictment filed 11/1/19 ("Indictment") at 1-5.

16 On January 10, 2020, the State filed a superseding indictment adding additional counts
17 of Grand Larceny and burglary, as well as a charge of Participation in Organized Retail Theft
18 (Category B Felony – NRS 205.08345). Superseding Indictment filed 1/10/20. This was
19 amended on January 14, 2020, to add an additional count for a total of eighteen (18) counts.
20 Amended Superseding Indictment filed 1/14/20.

21 The State filed a motion to admit Petitioner's prior bad acts and previous convictions,
22 as well as a motion to seek punishment as a habitual criminal. State's Notice of Motion in
23 Limine Defendants Statements and Motion to Admit Evidence of Other Bad Acts or in the
24 Alternative to Put Defendants on Notice of the State's Intention to Admit Prior Judgment of
25 Conviction, filed 2/19/20; State's Notice of Intent to Seek Punishment as a Habitual Criminal,
26 filed 3/3/20. The motion to admit prior bad acts and previous convictions was denied, as was
27 Petitioner's motion to sever his trial from his co-defendants. Minutes filed 3/5/20. Petitioner
28 moved to dismiss his counsel but in open court withdrew that motion. Motion to Dismiss

1 Counsel and Appoint Alternate Counsel filed 9/21/20; Minutes filed 10/13/20.

2 On November 4, 2020, the Court set trial for the following week. The next day,
3 Petitioner entered into a guilty plea agreement. Guilty Plea Agreement (“GPA”) filed 11/5/20.
4 In the GPA, Petitioner pled guilty to Count One: Conspiracy to Commit Robbery (Category B
5 Felony – NRS 200.380, 199.480); Count Two: Robbery with Use of a Deadly Weapon
6 (Category B Felony – NRS 200.380); and Count Three: Burglary (Category B Felony – NRS
7 205.060). GPA at 1. The other fifteen (15) felony charges were dropped and Petitioner was
8 not sentenced as a habitual criminal. GPA at 1. As a habitual criminal, he risked life without
9 the possibility of parole. GPA at 2.

10 The Judgment of Conviction (“JOC”) was filed January 21, 2021. Petitioner was
11 sentenced according to the terms of the GPA to 24-60 months in the Nevada Department of
12 Corrections for count one; 36-120 months for count two, consecutive to count one; and 24-60
13 months for count three, concurrent with count two. JOC at 2; GPA at 1. He received 466 days
14 credit for time served. JOC at 2. His aggregate sentence is 60 to 180 months. JOC at 2. The
15 court recommended drug treatment while in custody. JOC at 2.

16 Petitioner did not appeal his conviction. On June 30, 2021, Petitioner moved to dismiss
17 his counsel and requested new counsel. Motion to Dismiss Counsel & Appoint Alternate
18 Counsel, filed 6/30/21. The court granted his motion to dismiss his counsel but did not appoint
19 new counsel. Minutes filed 7/22/21. On August 9, 2021, Petitioner filed a Motion to Withdraw
20 Plea. The State responded on August 24, 2021, and it was denied on September 21, 2021.

21 On October 5, 2021, Petitioner filed a Motion to Appoint Counsel. This was denied
22 without prejudice on October 26, 2021, because Petitioner had no outstanding matters in which
23 an attorney could assist.

24 Petitioner filed a second Motion to Appoint Counsel (“Motion”) on January 31, 2022.
25 He filed the instant Petition for Writ of Habeas Corpus (Post-Conviction) (hereinafter
26 “Petition”) on January 25, 2022.¹

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¹ The court clerk received the Petition prior to the one-year mark. See Hobbs v. State, Order of Reversal and Remand,
Docket No. 75301, Filed February 15, 2019.

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PSI at 7-8.

Photo lineups were taken to the Champs and Footlocker stores and both witnesses were positive the defendant and co-defendant were the men who stole the merchandise from their stores. On October 7, 2019, officers located a social media website where the defendant was attempting to sell a couple pair of tennis shoes. A purchase agreement was set up with the defendant, who met him in a parking lot. Once the suspects arrived at the location of the transaction, they were taken into custody.

1 **ARGUMENT**

2 **I. GROUND ONE IS A SUBSTANTIVE COMPLAINT AND IS WAIVED AS IT**
3 **WAS NOT RAISED ON DIRECT APPEAL.**

4 In his first ground for error, Petitioner alleges a violation of his Fifth, Sixth, and
5 Fourteenth Amendment rights:

6 While I was incarcerated at High Desert State Prison the court violated my
7 Amendment by never serving me with a notice to seek Indictment, which
8 violated my due process of law, which I am entitled to equal protection of
9 the law. On 11-5-2019 at 7:30 am there was a Grand Jury indictment return
10 – case closed – dismissed Grand Jury Judgment entered. Anything after I was
never notify of any Indictment which was a clear violation.

11 Petition at 7.

12 The State interprets this to assert a violation of NRS 172.241, which affords “reasonable
13 notice” to a person whose indictment is to be considered by a grand jury, otherwise known as
14 a Marcum notice. NRS 172.241(2); Sheriff, Humboldt Cty. v. Marcum, 105 Nev. 824, 783
15 P.2d 1389 (1989), amended, 790 P.2d 497 (Nev. 1990). Petitioner appears to claim he never
16 received such notice. This substantive claim is waived for not being raised on direct appeal.
17 NRS 34.724(2)(a). Further, the guilty plea agreement waived all alleged errors that arose prior
18 to the guilty plea.

19 A court *must* dismiss a petition for habeas relief if the underlying conviction was based
20 on a guilty plea and the petition alleges anything other than that the plea was involuntarily or
21 unknowingly entered or that the plea was entered without the effective assistance of counsel,
22 unless the court finds both cause for the failure to present the grounds and actual prejudice to
23 the petitioner. NRS 34.810(1)(a).

24 The Nevada Supreme Court has held that “challenges to the validity of a guilty plea and
25 claims of ineffective assistance of trial and appellate counsel must first be pursued in post-
26 conviction proceedings.... [A]ll other claims that are appropriate for a direct appeal must be
27 pursued on direct appeal, or they will be *considered waived in subsequent proceedings.*”
28 Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added)

(disapproved on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999)). “A court must dismiss a habeas petition if it presents claims that either were or could have been presented in an earlier proceeding, unless the court finds both cause for failing to present the claims earlier or for raising them again and actual prejudice to the petitioner.” Evans v. State, 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001). Substantive claims are beyond the scope of habeas and are waived if not raised on direct appeal. NRS 34.724(2)(a); Evans, 117 Nev. at 646–47, 29 P.3d at 523; Franklin, 110 Nev. at 752, 877 P.2d at 1059.

A showing of good cause and prejudice may overcome procedural bars. “To establish good cause, appellants *must* show that an impediment external to the defense prevented their compliance with the applicable procedural rule. A qualifying impediment might be shown where the factual or legal basis for a claim was not reasonably available at the time of default.” Clem v. State, 119 Nev. 615, 621, 81 P.3d 521, 525 (2003) (emphasis added). The Court continued, “appellants cannot attempt to manufacture good cause[.]” Id. at 621, 81 P.3d at 526. Examples of good cause include interference by State officials and the previous unavailability of a legal or factual basis. See State v. Huebler, 128 Nev. Adv. Op. 19, 275 P.3d 91, 95 (2012).

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

Here, Petitioner pled guilty. Ground One of his habeas petition does not allege his plea was involuntary or that he entered his plea without the effective assistance of counsel. Therefore, this ground must be dismissed unless Petitioner shows good cause for not raising it

1 on direct appeal, as well as prejudice from an error of constitutional dimensions that worked
2 to his actual and substantial disadvantage.

3 Petitioner makes no attempt to show good cause for not raising the issue of a Marcum
4 notice on direct appeal. All the facts and law related to this claim were available to him at the
5 time available for a direct appeal, and Petitioner does not demonstrate that an impediment
6 external to the defense prevented him from raising his claim then.

7 Regarding prejudice, Petitioner makes no attempt to offer cogent argument as to how
8 not being able to appear before the Grand Jury affected his decision to plead guilty to three
9 felonies rather than go to trial on eighteen felonies as a habitual offender. The alleged failure
10 to receive a Marcum notice does not demonstrate sufficient prejudice to permit Petitioner to
11 overcome the procedural default, because his guilty plea negates the alleged error.

12 “When a criminal defendant has solemnly admitted in open court that he is in fact guilty
13 of the offense with which he is charged, he may not thereafter raise independent claims relating
14 to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea.”
15 Reuben C. v. State, 99 Nev. 845, 845–46, 673 P.2d 493, 493 (1983) (quoting Tollett v.
16 Henderson, 411 U.S. 258, 267, 93 S.Ct. 1602, 1608, (1973)). In Reuben C., a challenge to a
17 juvenile certification decision was precluded where he had pled guilty. In Tollett, a challenge
18 to the composition of the grand jury was precluded. In Cline v. State, 90 Nev. 17, 518 P.2d
19 159 (1974), a claim that his confession was coerced was precluded. “It is now the established
20 law of this state that where a guilty plea is not coerced and the defendant was competently
21 represented by counsel at the time it was entered, the subsequent conviction is not open to
22 collateral attack and any errors are superseded by the plea of guilty.” Powell v. Sheriff, Clark
23 Cty., 85 Nev. 684, 687, 462 P.2d 756, 758 (1969).

24 Because Petitioner pled guilty, admitting in open court that he actually committed the
25 crimes for which he was convicted, his claim of not having received a Marcum notice, whether
26 true or not, is precluded from consideration.

27 //

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1 **II. GROUND TWO IS A NAKED ASSERTION, SUITABLE ONLY FOR**
2 **SUMMARY DENIAL.**

3 In his second ground for error, Petitioner makes bare and naked assertions alleging
4 ineffective assistance of counsel:

5 Alex Bassett failed to file a petition for writ of mandamus to challenge the
6 Grand Jury Indictment. Alex Bassett did not allow me to see the exculpatory
7 evidence (video tape) in my case, which would of shown I never committed
8 a robbery, nor were there any gun. Alex Bassett lied to me more than (one)
9 time.

10 Petition at 8.

11 The Sixth Amendment to the United States Constitution provides that, “[i]n all criminal
12 prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his
13 defense.” The United States Supreme Court has long recognized that “the right to counsel is
14 the right to the effective assistance of counsel.” Strickland v. Washington, 466 U.S. 668, 686,
15 104 S. Ct. 2052, 2063 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323
16 (1993). To prevail on a claim of ineffective assistance of trial counsel, a defendant must prove
17 he was denied “reasonably effective assistance” of counsel by satisfying the two-prong test of
18 Strickland, 466 U.S. at 686-87, 104 S. Ct. at 2063-64; see also Love, 109 Nev. at 1138, 865
19 P.2d at 323. Under the Strickland test, a defendant must show first that his counsel's
20 representation fell below an objective standard of reasonableness and second, that but for
21 counsel's errors, there is a reasonable probability that the result of the proceedings would have
22 been different. Strickland, 466 U.S. at 687-88, 694, 104 S. Ct. at 2065, 2068; Warden, Nevada
23 State Prison v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland
24 two-part test). “[T]here is no reason for a court deciding an ineffective assistance claim to
25 approach the inquiry in the same order or even to address both components of the inquiry if
26 the defendant makes an insufficient showing on one.” Strickland, 466 U.S. at 697, 104 S. Ct.
27 at 2069.

28 The court begins with the presumption of effectiveness and then must determine
 whether the defendant has demonstrated by a preponderance of the evidence that counsel was

1 ineffective. Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). “Effective counsel
2 does not mean errorless counsel, but rather counsel whose assistance is ‘[w]ithin the range of
3 competence demanded of attorneys in criminal cases.’” Jackson v. Warden, 91 Nev. 430, 432,
4 537 P.2d 473, 474 (1975).

5 “There are countless ways to provide effective assistance in any given case. Even the
6 best criminal defense attorneys would not defend a particular client in the same way.”
7 Strickland, 466 U.S. at 689, 104 S. Ct. at 689. In essence, the court must “judge the
8 reasonableness of counsel’s challenged conduct on the facts of the particular case, viewed as
9 of the time of counsel’s conduct.” Strickland, 466 U.S. at 690, 104 S. Ct. at 2066.

10 A defendant who contends his attorney was ineffective because he did not adequately
11 investigate must show how a better investigation would have rendered a more favorable
12 outcome probable. Molina v. State, 120 Nev. 185, 192, 87 P.3d 533, 538 (2004). To satisfy
13 the Strickland standard and establish ineffectiveness for failure to investigate, a defendant must
14 allege *in the pleadings* what information would have resulted from a better investigation or the
15 substance of the missing witness’ testimony. Molina v. State, 120 Nev. 185, 192, 87 P.3d 533,
16 538 (2004); State v. Haberstroh, 119 Nev. 173, 185, 69 P.3d 676, 684 (2003). It must be clear
17 from the “record what it was about the defense case that a more adequate investigation would
18 have uncovered.” Id. A defendant must also show how a better investigation probably would
19 have rendered a more favorable outcome. Id.

20 “A petitioner for post-conviction relief cannot rely on conclusory claims for relief but
21 must make specific factual allegations that if true would entitle him to relief. The petitioner is
22 not entitled to an evidentiary hearing if the record belies or repels the allegations.” Colwell v.
23 State, 118 Nev. Adv. 807, 813, 59 P.3d 463, 467 (2002) (citing Evans v. State, 117 Nev. 609,
24 621, 28 P.3d 498, 507 (2001)). “Bare” and “naked” allegations are not sufficient to warrant
25 post-conviction relief, nor are those belied and repelled by the record. Hargrove v. State, 100
26 Nev. 498, 502, 686 P.2d 222, 225 (1984). “A claim is ‘belied’ when it is contradicted or proven
27 to be false by the record as it existed at the time the claim was made.” Mann v. State, 118 Nev.
28 351, 354, 46 P.3d 1228, 1230 (2002). A habeas corpus petitioner must prove disputed factual

1 allegations by a preponderance of the evidence. Means, 120 Nev. at 1011, 103 P.3d at 32. The
2 burden rests on Petitioner to “allege specific facts supporting the claims in the petition.” NRS
3 34.735(6).

4 Petitioner’s claim that his attorney lied to him on more than one occasion is a bare and
5 naked allegation, insufficient to warrant post-conviction relief. Hargrove, 100 Nev. at 502, 686
6 P.2d at 225. Petitioner fails to identify any specific lies told by his attorney or explain the
7 context surrounding the alleged lies. He fails to demonstrate he relied on those lies to his
8 substantial detriment or that the results of the proceedings would have been different if his
9 attorney had not lied. This assertion must be dismissed pursuant to Hargrove.

10 The claim that Petitioner was never shown an exculpatory videotape which proved
11 Petitioner never committed a robbery, and that if he had committed a robbery, a gun was not
12 used, is similarly bare and naked. Petitioner fails to elaborate on how the video can be both
13 relevant to the crime and show the crime did not occur. He fails to demonstrate the video
14 exists. He fails to show how watching the video would have affected his decision to admit in
15 open court that he committed the crimes he was convicted of. Whether the alleged video
16 showed the robbery was committed without the use of a firearm is irrelevant, as Petitioner was
17 not convicted of using a deadly weapon in his crimes. This unsubstantiated claim must be
18 dismissed pursuant to Hargrove.

19 This claim is also belied by the record. Mann, 118 Nev. at 354, 46 P.3d at 1230. At the
20 entry of his plea on November 5, 2021, Petitioner affirmed he had had “ample opportunity to
21 discuss [his] case with [his] attorney. Recorder’s Transcript of Hearing: Possible Motion to
22 Sever, filed August 19, 2021, at 7. The Court then asked if Petitioner had any defense to the
23 charges:

24 THE COURT: Have you discussed with him any possible defenses, defense
25 strategies and circumstances which might be in your favor?

26 THE DEFENDANT: Yes, sir.

27 THE COURT: Are you satisfied to have him as your attorney and the advice
28 he’s given you?

1 THE DEFENDANT: Yes, sir.

2
3 Recorder's Transcript of Hearing: Possible Motion to Sever, filed August 19, 2021, at 7.

4 If a video existed showing Petitioner did not commit the crimes, Petitioner would have
5 known he did not commit the crimes. During the canvass, the Court asked Petitioner extensive
6 questions about the factual basis of his plea, and Petitioner firmly admitted he committed the
7 criminal acts charged. Recorder's Transcript of Hearing: Possible Motion to Sever, filed
8 August 19, 2021, at 18-21. This affirmation at the plea canvass reinforced the guilty plea
9 agreement, in which Petitioner signed a statement saying "I have discussed with my attorney
10 any possible defenses, defense strategies, and circumstances which might be in my favor."
11 GPA at 5.

12 Because Petitioner's claim that his attorney failed to share an exonerating video with
13 him is both bare and naked and belied by the record, it must be dismissed pursuant to Hargrove.

14 Petitioner's claim regarding his attorney's ineffectiveness in failing to challenge the
15 grand jury proceeding by filing a Petition for Writ of Mandamus is rendered moot by the entry
16 of his guilty plea. Once Petitioner admitted he committed the crimes for which he was
17 convicted, any challenge to an alleged lack of Marcum notice would not have been entertained
18 by the Nevada Supreme Court. Reuben C., 99 Nev. at 845-46, 673 P.2d at 493. Petitioner's
19 attorney was not required to file a futile petition. Ennis v. State, 122 Nev. 694, 706, 137 P.3d
20 1095, 1103 (2006). Petitioner's guilty plea waived any prejudice from the lack of Marcum
21 notice under the Strickland analysis.

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1 **CONCLUSION**

2 For the foregoing reasons, the State respectfully requests this Petition for Writ Of
3 Habeas Corpus be DENIED.

4 DATED this 11th day of February, 2022.

5 Respectfully submitted,

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

9 BY /s/ Jonathan E. Vanboskerck
10 JONATHAN E. VANBOSKERCK
11 Chief Deputy District Attorney
12 Nevada Bar #006528

13 **CERTIFICATE OF MAILING**

14 I hereby certify that service of the above and foregoing was made this 11th day of
15 February, 2022, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

16 GREGORY MORGAN, #1196223
17 S.D.C.C.
18 PO BOX 208
19 INDIAN SPRINGS, NV 89070

20 BY /s/ E. Del Padre
21 E. DEL PADRE
22 Secretary for the District Attorney's Office
23
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28 JV/ed/sw/GCU

LEFT SIDE
OF FILE PLEASE

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

Gregory Morgan)
Petitioner,)

v.)

Case No. A-22-847232-W

William Hutching)
Warden, SDCC.)
Respondent.)

Dept. No. 32

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

Gregory Morgan is necessary for the hearing that is scheduled in this
case on the 7th day of April, 2022, at
8:30 am.

THEREFOR, IT IS HEREBY ORDERED that,

☐ Pursuant to NRS 209.274, Warden William Hutching
of Southern Desert Correctional Center is hereby commanded to have
Gregory Morgan transported to appear before me at a hearing
scheduled for April 7, 2022 at 8:30 am at the
Clark County Courthouse. Upon completion of the hearing,

RECEIVED

FEB 17 2022

CLERK OF THE COURT

1 Gregory Morgan 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 9th day of Feb, 2022.
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13 _____
14 District Court Judge
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Heavenly Admin
CLERK OF THE COURT

1 Gregory Morgan

2 NDOC No. 1196223

3 SDCC P.O. Box 208 Indian Springs NV, 89070

4 In proper person

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

9
10 Gregory Morgan)

11)
12 Petitioner,)

13 v.)

14) Case No. ~~000000~~ A-22-847232-W

15)
16 William Hutchings)

Dept. No. 32

17 Warden SDCC)

Respondent.)

18)
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, Gregory Morgan, 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 April 7th, 2022
at 8:30 am.

RECEIVED

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 Southern Desert Correctional Center
3 My mandatory release date is 12-29-2026 P.O. Box 208 Indian Springs NV 89070

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:

☒ I AM NEEDED AS A WITNESS.

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

☒ THE HEARING WILL BE AN EVIDENTIARY HEARING.

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

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

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

6. Southern Desert Correctional Center is located approximately
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: Unknown,
12 whose telephone number is Unknown

13
14 Dated this 9th day of Feb, 2022.

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16 Gregory Morgan
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19 Gregory Morgan
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CERTIFICATE OF SERVICE BY MAILING

I, Gregory Morgan, hereby certify, pursuant to NRCP 5(b), that on this 9th
day of Feb, 2022, 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 D. Grierson
Clerk of the Court
200 Lewis Ave. 3rd Floor
Las Vegas, NV
89155-1160

CC:FILE

DATED: this 9th day of Feb, 2022.

Gregory Morgan
Gregory Morgan # 1196223
/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-22-847232-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.

Gregory Morgan
Signature

2-9-22
Date

Gregory Morgan
Print Name

Petitioner
Title

Gregory Morgan #1196223
S.D.C. 2
P.O. Box 208
Indian Springs, NV 89070

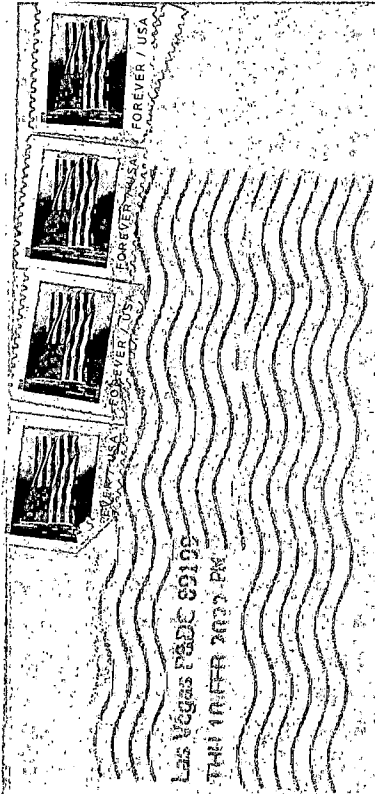


Legal
Mail

Steven D. Grierson
c/o Clerk of the Court
200 Lewis Avenue 3rd Floor
Las Vegas NV, 89070

Legal Mail

Legal
Mail



Southern Desert
Correctional Center
FEB 10 2012
OUTGOING MAIL

Heather L. Hume

CLERK OF THE COURT

OPI
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ELIZABETH MERCER
Chief Deputy District Attorney
Nevada Bar #010681
200 Lewis Avenue
Las Vegas, Nevada, 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

GREGORY DELLO MORGAN,
#2752270

Defendant.

CASE NO. C-19-344461-1

A-22-847232-W

DEPT NO. XXXII

**ORDER FOR PRODUCTION OF INMATE
GREGORY DELLO MORGAN, BAC #1196223**

DATE OF HEARING: May 19, 2022
TIME OF HEARING: 8:30 AM

TO: NEVADA DEPARTMENT OF CORRECTIONS; and

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

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


IT IS HEREBY ORDERED that NEVADA DEPARTMENT OF CORRECTIONS shall be, and is, hereby directed to produce GREGORY DELLO MORGAN, Defendant in Case Number C-19-344461-1, wherein THE STATE OF NEVADA is the Plaintiff, inasmuch as the said GREGORY DELLO MORGAN is currently incarcerated in the NEVADA DEPARTMENT OF CORRECTIONS located in Clark County, Nevada, and his presence will

//

1 be required in Las Vegas, Nevada, commencing on May 19, 2022, at the hour of 8:30 o'clock
2 AM and continuing until completion of the prosecution's case against the said Defendant.

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

Dated this 22nd day of April, 2022

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DISTRICT JUDGE

B58 0F5 C12B 48CA
Christy Craig
District Court Judge

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

BY /s/ ELIZABETH MERCER
ELIZABETH MERCER
Chief Deputy District Attorney
Nevada Bar #010681

19F21141A/ds/GCU

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Gregory Morgan, Plaintiff(s)

CASE NO: A-22-847232-W

7 vs.

DEPT. NO. Department 32

8 William Hutching, Warden
9 SDCC, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 Electronic service was attempted through the Eighth Judicial District Court's
13 electronic filing system, but there were no registered users on the case. The filer has been
14 notified to serve all parties by traditional means.
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

April 07, 2022

A-22-847232-W	Gregory Morgan, Plaintiff(s) vs. William Hutching, Warden SDCC, Defendant(s)
---------------	--

April 07, 2022	8:30 AM	Petition for Writ of Habeas Corpus
-----------------------	----------------	---

HEARD BY: Craig, Christy **COURTROOM:** RJC Courtroom 05D

COURT CLERK: David Gibson

RECORDER: Kaihla Berndt

REPORTER:

PARTIES

PRESENT: Evans, Ronald James Attorney

JOURNAL ENTRIES

- Gregory Morgan not present.

The Court advised the matter needed to be continued for the Deft's presence and directed Mr. Evans to prepare a transport order. COURT ORDERED matter CONTINUED.

NDC

CONTINUED TO - 5/19/22 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

May 19, 2022

A-22-847232-W Gregory Morgan, Plaintiff(s)
vs.
William Hutching, Warden SDCC, Defendant(s)

**May 19, 2022 8:30 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Craig, Christy **COURTROOM:** RJC Courtroom 05D

COURT CLERK: Andrea Natali

RECORDER: Kaihla Berndt

REPORTER:

PARTIES

PRESENT: Evans, Ronald James Attorney

JOURNAL ENTRIES

- Petitioner not present due to not being transported from the Nevada Dept. of Corrections. As the Deft. was not present, COURT ORDERED, mater CONTINUED and the state to prepare another transport order.

CONTINUED TO: 6/16/22 - 8:30 AM

CLERK'S NOTE: The foregoing minutes were distributed vial general mail to the following party:
Gregory Morgan #1196223
NDOC / SDCC
PO Box 208
Indian Springs, NV 89070
(5/20/22 amn).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

June 16, 2022

A-22-847232-W	Gregory Morgan, Plaintiff(s) vs. William Hutching, Warden SDCC, Defendant(s)
---------------	--

June 16, 2022	8:30 AM	Petition for Writ of Habeas Corpus
---------------	---------	---------------------------------------

HEARD BY: Craig, Christy

COURTROOM: RJC Courtroom 05D

COURT CLERK: Andrea Natali

RECORDER: Kaihla Berndt

REPORTER:

PARTIES

PRESENT:	Cobb, Tyrus	Attorney
-----------------	-------------	----------

JOURNAL ENTRIES

- COURT NOTED, a transport order was supposed to have been prepared. Mr. Cobb stated there was a transport order filed 4/22/22 and he had an email from the Nevada Dept. of Corrections (NDC), indicating they had this date scheduled to transport the Deft. COURT DIRECTED, Mr. Cobb to reach out to Mr. Evans who worked with the Attorney General who worked with NDC, and ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 8/30/22 - 8:30 AM

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated July 7, 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 one volume with pages numbered 1 through 44.

GREGORY D. MORGAN,

Plaintiff(s),

vs.

WILLIAM HUTCHING WARDEN
SOUTHERN DESERT CORRECTIONAL
CENTER,

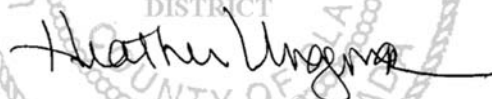
Defendant(s),

Case No: A-22-847232-W
Related Case C-19-344461-1
Dept. No: XXXII

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 14 day of July 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk