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 FILED Steven D. Grierson
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 CLERK US DISTRICT COURT
 DISTRICT OF NEVADA
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 BY: Elizabeth A. Brown
 Feb 15 2022 04:10 PM DEPUTY

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

Case Number C-14-298879-1

State of Nevada)
 Plaintiff,)
)
 v.)
Genavo Perry # 1153366)
 Defendant(s).)

NOTICE OF APPEAL

NOTICE is hereby given that Genavo Perry in the above named case hereby appeal to the United States Court of Appeals for the Ninth Circuit from the "Motion to Modify Sentence" entered in this action on the 13th day of January, 2022.
 GP. GP.

Genavo Perry
 Signature of Appellant
Genavo Perry # 1153366
 Name of Appellant
S.D.C.C.
P.O. Box 208
Indian Springs, NV. 89018
 Address

RECEIVED
 FEB 07 2022
 CLERK OF THE COURT

RECEIVED
 JAN 18 2022
 ELIZABETH A. BROWN
 CLERK OF SUPREME COURT
 DEPUTY CLERK

CERTIFICATE OF SERVICE

I, Genaro Perry #1153366, hereby certify that I am the
Petitioner in this matter and I am representing myself *in propria persona*.

On this 13th day of January, 2022, I served copies of
the "Notice of Appeal"

in Case No. C-14-298879-1, and placed said document(s) in the United States
Mail, first-class postage prepaid, addressed as follows:

Steven D. Grievson
Clerk of the Court
200 LEWIS AVE
3RD FLOOR
Las Vegas, NV. 89155-1160

DECLARATION UNDER PENALTY OF PERJURY

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

Executed pursuant to 28 U.S.C. § 1746 and 18 U.S.C. § 1621 at
Southern Desert Correctional Center on this 13th day of
January, 2022.

Genaro A. Perry

NDOC No. 1153366

Petitioner - *In Propria Persona*

Cherise A. Kelly 1153368
P.O. Box 260
Indian Springs, NV 89070

LAS VEGAS NV 890
1 FEB 2022 PM 3 L

FOREVER USA

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL PARTIES OF RECORD	
FEB 03 2022	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	

95101-705588

Clerk, U.S. District Court
District of Nevada
LLOYD D. GEORGE U.S. COURT HOUSE
333 LAS VEGAS BLVD. S. Rm 1301



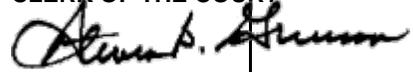
IN GOOD WIFE TRUST

Beloved, I pray that you may prosper in all things and be in health. Rest is your soul forever. 3/5/12

Reshma
Harris

Southern Desert Correctional Center
FEB 01 2022
MAIL

800-200-2000



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

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 GENARO RICHARD PERRY,

14 Defendant(s),
15

Case No: C-14-298879-1

Dept No: XVII

16
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Genaro R. Perry

19 2. Judge: Michael Villani

20 3. Appellant(s): Genaro R. Perry

21 Counsel:

22 Genaro R. Perry #1153366
23 P.O. Box 208
24 Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89101

(702) 671-2700

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

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

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

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

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: June 19, 2014

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 69139, 82931, 83278, 84175

12. Child Custody or Visitation: N/A

Dated This 14 day of February 2022.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

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

cc: Genaro R. Perryp

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-14-298879-1

State of Nevada
vs
Genaro Perry

§
§
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§

Location: **Department 17**
Judicial Officer: **Villani, Michael**
Filed on: **06/19/2014**
Case Number History:
Cross-Reference Case Number: **C298879**
Defendant's Scope ID #: **1456173**
ITAG Booking Number: **1400025770**
ITAG Case ID: **1599129**
Lower Court Case # Root: **14F07966**
Lower Court Case Number: **14F07966X**
Supreme Court No.: **69139**
82931
83278
84175

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	05/01/2014	Case Status:	05/12/2021 Closed
2. FALSE IMPRISONMENT WITH USE OF A DEADLY WEAPON	200.460.3b	F	05/01/2014		
3. GRAND LARCENY AUTO	205.228.3	F	05/01/2014		
4. ASSAULT WITH A DEADLY WEAPON	200.471.2b	F	05/01/2014		
5. COERCION	207.190.2a	F	05/01/2014		
6. BATTERY RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE	200.481	F	05/01/2014		
7. PREVENTING OR DISSUADING WITNESS OR VICTIM FROM REPORTING CRIME OR COMMENCING PROSECUTION	199.305	F	05/01/2014		

Statistical Closures

05/12/2021 Other Manner of Disposition - Criminal
01/07/2016 Bench Trial - Conviction - Criminal

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number C-14-298879-1
Court Department 17
Date Assigned 09/07/2021
Judicial Officer Villani, Michael

PARTY INFORMATION

Defendant Perry, Genaro Richard
Plaintiff State of Nevada

Lead Attorneys

Wolfson, Steven B
702-671-2700(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

06/19/2014  Criminal Bindover
[1] Criminal Bindover

In #1

CASE SUMMARY
CASE NO. C-14-298879-1

06/25/2014	 Information <i>[2] Information</i>	In #2
06/25/2014	 Notice of Witnesses and/or Expert Witnesses <i>[3] Notice of Expert Witnesses</i>	In #3
06/29/2014	 Reporters Transcript <i>[4] Reporter's Transcript of Waiver of Preliminary Hearing 06-19-14</i>	In #4
07/03/2014	 Supplemental Witness List <i>[6] Supplemental Notice of Expert Witnesses</i>	In #6
07/03/2014	 Notice of Witnesses and/or Expert Witnesses <i>[5] Notice of Witnesses</i>	In #5
07/09/2014	 Notice of Witnesses and/or Expert Witnesses <i>[7] Notice of Witnesses</i>	In #7
09/23/2014	 Stipulation and Order <i>[8] Stipulation and Order to Continue Trial</i>	In #8
10/16/2014	 Ex Parte Motion <i>[9] Ex Parte Motion for Release of Medical Records</i>	In #9
10/16/2014	 Order to Release Medical Records <i>[10] Order Releasing Medical Records</i>	In #10
10/17/2014	 Ex Parte Motion <i>[13] Ex Parte Motion for Release of Medical Records</i>	In #13
10/17/2014	 Ex Parte Motion <i>[14] Ex Parte Motion for Release of Medical Records</i>	In #14
10/17/2014	 Order to Release Medical Records <i>[11] Order Releasing Medical Records</i>	In #11
10/17/2014	 Order to Release Medical Records <i>[12] Order Releasing Medical Records</i>	In #12
01/08/2015	 Supplemental Witness List <i>[15] Supplemental Notice of Witnesses</i>	In #15
05/14/2015	 Supplemental Witness List <i>[16] Second Supplemental Notice of Expert Witnesses</i>	In #16

CASE SUMMARY

CASE NO. C-14-298879-1

06/15/2015	 Motion <i>[17] Motion to Admit Evidence Pursuant to NRS 48.045</i>	#1
07/01/2015	 Ex Parte Motion <i>[18] Ex Parte Motion for Release of Medical Records</i>	In #1
07/01/2015	 Order <i>[24] Order Releasing Medical Records</i>	In #2
07/01/2015	 Ex Parte Motion <i>[19] Ex Parte Motion for Release of Medical Records</i>	In #1
07/01/2015	 Order <i>[25] Order Releasing Medical Records</i>	In #2
07/01/2015	 Ex Parte Motion <i>[20] Ex Parte Motion for Release of Medical Records</i>	In #2
07/01/2015	 Order <i>[26] Order Releasing Medical Records</i>	In #2
07/01/2015	 Ex Parte Motion <i>[21] Ex Parte Motion for Release of Medical Records</i>	In #2
07/01/2015	 Order <i>[27] Order Releasing Medical Records</i>	In #2
07/01/2015	 Ex Parte Motion <i>[22] Ex Parte Motion for Release of Medical Records</i>	In #2
07/01/2015	 Order <i>[28] Order Releasing Medical Records</i>	In #2
07/01/2015	 Ex Parte Motion <i>[23] Ex Parte Motion for Release of Medical Records</i>	In #2
07/01/2015	 Order <i>[29] Order Releasing Medical Records</i>	In #2
07/20/2015	 Opposition <i>[30] State's Opposition to Defendant's Motion to Admit Evidence Pursuant to NRS 48.045</i>	In #2
08/05/2015	 Notice of Motion <i>[31] State's Notice of Motion and Motion to Admit Evidence Pursuant to NRS 48.045</i>	In #2
08/11/2015	 Opposition to Motion	In #2

CASE SUMMARY
CASE NO. C-14-298879-1

	<i>[32] Opposition to State's Motion to Admit Evidence Pursuant to NRS 48.045</i>	
10/01/2015	Verdict <i>[33]</i>	In #2
10/01/2015	Stipulation and Order Filed by: Plaintiff State of Nevada <i>[34] Stipulation and Order</i>	In #2
10/01/2015	Instructions to the Jury <i>[35]</i>	In #2
11/04/2015	Notice of Appeal (Criminal) <i>[36] Notice of Appeal</i>	In #2
11/10/2015	PSI <i>[37]</i>	In #2
11/10/2015	PSI - Victim Impact Statements <i>[38]</i>	In #2
01/05/2016	Memorandum <i>[39] Sentencing Memorandum on Behalf of Genaro Perry</i>	In #2
01/07/2016	Criminal Order to Statistically Close Case <i>[40] Criminal Order to Statistically Close Case</i>	In #4
01/22/2016	Judgment of Conviction <i>[41] JUDGMENT OF CONVICTION (JURY TRIAL)</i>	In #4
02/26/2016	Request <i>[42] Request for Rough Draft Transcript</i>	In #4
03/31/2016	Recorders Transcript of Hearing <i>[43] Recorder's Rough Draft Transcript of Hearing: Defendant's Motion to Admit Evidence Pursuant to NRS 48.045, August 31, 2015</i>	In #4
03/31/2016	Recorders Transcript of Hearing <i>[44] Recorder's Rough Draft Transcript of Hearing: Sentencing, January 6, 2016</i>	In #4
03/31/2016	Recorders Transcript of Hearing <i>[45] Recorder's Rough Draft Transcript of Hearing: Calendar Call, July 21, 2014</i>	In #4
03/31/2016	Recorders Transcript of Hearing <i>[46] Recorder's Rough Draft Transcript of Hearing: Sentencing, November 16, 2015</i>	In #4
03/31/2016	Recorders Transcript of Hearing	In #4

CASE SUMMARY

CASE NO. C-14-298879-1

	<i>[47] Recorder's Rough Draft Transcript of Hearing: Sentencing, November 23, 2015</i>	
03/31/2016	 Recorders Transcript of Hearing <i>[48] Recorder's Rough Draft Transcript of Hearing: Defendant's Motion to Admit Evidence Pursuant to NRS 48.045 Petrocelli Hearing, September 17, 2015</i>	In #4
03/31/2016	 Recorders Transcript of Hearing <i>[49] Recorder's Rough Draft Transcript of Hearing: Calendar Call, September 21, 2015</i>	In #4
04/13/2016	 Transcript of Proceedings <i>[50] Recorder's Rough Draft Transcript of Proceedings Bench Trial Day 1 September 29, 2015</i>	In #5
04/13/2016	 Reporters Transcript <i>[51] 2015 Recorder's Rough Draft Transcript of Proceedings Bench Trial Day 2 Wednesday, September 30,</i>	In #5
04/13/2016	 Transcript of Proceedings <i>[52] Recorder's Rough Draft Transcript of Proceedings Bench Trial Day 3 Thursday, October 1, 2015</i>	In #5
04/13/2016	 Transcript of Proceedings <i>[53] Recorder's Rough Draft Transcript of Proceedings Jury Trial Day 1 Wednesday, May 6, 2015</i>	In #5
04/13/2016	 Transcript of Proceedings <i>[54] Recorder's Rough Draft Transcript of Proceedings Jury Trial Day 2 Thursday, May 7, 2015</i>	In #5
01/18/2017	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[55] Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>	In #5
02/01/2017	 Application to Proceed in Forma Pauperis Filed By: Defendant Perry, Genaro Richard <i>[56]</i>	In #5
02/01/2017	 Filed Under Seal Filed By: Defendant Perry, Genaro Richard <i>[57] Financial Certificate</i>	In #5
02/07/2017	 Motion <i>[58] Motion To Appoint Counsel</i>	In #5
02/07/2017	 Petition for Writ of Habeas Corpus <i>[60] Evidentiary Hearing Petition for Writ of Habeas Corpus (Post-Conviction)</i>	In #6
02/07/2017	 Motion <i>[59] Motion To Withdraw Counsel</i>	In #5
02/07/2017	 Motion for New Trial Filed By: Defendant Perry, Genaro Richard <i>[61] Motion for a New Trial with Newly Discovered Evidence. Motion to Vacate</i>	In #6

CASE SUMMARY
CASE NO. C-14-298879-1

02/24/2017	 Order for Petition for Writ of Habeas Corpus [62]	In #C
02/24/2017	 Notice of Hearing [63]	In #C
03/01/2017	 Order to Proceed In Forma Pauperis Granted for: Defendant Perry, Genaro Richard [64]	In #C
03/22/2017	 Motion [65] Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference	In #C
04/07/2017	 Response [67] State's Response to Defendant's Petition for Writ of Habeas Corpus, Request for an Evidentiary Hearing, and Motion to Appoint Counsel	In #C
04/07/2017	 Opposition [66] State's Opposition to Defendant's Motion for New Trial With Newly Discovered Evidence and Motion to Vacate	In #C
04/28/2017	 Amended Judgment of Conviction [68] AMENDED JUDGMENT OF CONVICTION (NUNC PRO TUNC) (JURY TRIAL)	In #C
05/15/2017	 Notice of Change of Hearing [69] Notice of Change of Hearing	In #C
08/08/2017	 Amended Judgment of Conviction [70] Amended Judgment of Conviction (Jury Trial)	In #7
02/15/2018	 Stipulation and Order Filed by: Defendant Perry, Genaro Richard [71] Stipulation and Order to Extend Time	In #7
09/04/2018	 Stipulation and Order Filed by: Defendant Perry, Genaro Richard [72] Stipulation and Order to Extend Time	In #7
11/20/2018	 Stipulation and Order Filed by: Defendant Perry, Genaro Richard [73] Stipulation and Order to Extend Time	In #7
01/02/2019	 Motion Filed By: Defendant Perry, Genaro Richard [74] Motion and Order for Transportation of Inmate for Court Appearance or in the Alternative for Appearance by Telephone or Video Conference	In #7
04/29/2019	Administrative Reassignment - Judicial Officer Change To Judge Jacqueline M. Bluth	

CASE SUMMARY
CASE NO. C-14-298879-1

02/03/2021	 Motion for Order Filed By: Defendant Perry, Genaro Richard <i>[75] Motion Requesting Order Directing the Las Vegas Metropolitan Police Department to Conduct Genetic Marker and Latent Print Analysis of Evidence Impounded at Crime Scene</i>	In #7
02/04/2021	 Clerk's Notice of Hearing <i>[76] Notice of Hearing</i>	In #7
02/11/2021	 Response Filed by: Plaintiff State of Nevada <i>[77] State's Response to Defendant's Motion Requesting Order Directing the Las Vegas Metropolitan Police Department to Conduct Genetic Marker and Latent Fingerprint Analysis of Evidence Impounded at Crime Scene</i>	In #7
04/16/2021	 Order <i>[78] Order Denying Defendant's Motion Requesting Order Directing the Las Vegas Metropolitan Police Department to Conduct Genetic Marker and Latent Fingerprint Analysis of Evidence Impounded at Crime Scene</i>	In #7
05/12/2021	 Criminal Order to Statistically Close Case <i>[79] Criminal Order to Statistically Close Case</i>	In #7
05/14/2021	 Notice of Appeal (Criminal) Party: Defendant Perry, Genaro Richard <i>[80] Notice of Appeal</i>	In #8
06/01/2021	 Case Appeal Statement Filed By: Defendant Perry, Genaro Richard <i>[81] Case Appeal Statement</i>	In #8
07/01/2021	 Request Filed by: Defendant Perry, Genaro Richard <i>[82] Request for Transcript</i>	In #8
07/22/2021	 Notice of Appeal (Criminal) <i>[83] Notice of Appeal</i>	In #8
07/22/2021	 Designation of Record on Appeal <i>[84] Designation of Record on Appeal</i>	In #8
07/22/2021	 Motion Filed By: Defendant Perry, Genaro Richard <i>[85] Motion to Withdraw Counsel</i>	In #8
07/22/2021	 Case Appeal Statement Filed By: Defendant Perry, Genaro Richard <i>[86] Case Appeal Statement</i>	In #8
08/09/2021	 Recorders Transcript of Hearing <i>[87] Recorder's Transcript of Proceedings: Petitioner s Motion Requesting Order Directing The Las Vegas</i>	In #8

CASE SUMMARY
CASE NO. C-14-298879-1

Metropolitan Police Department To Conduct Genetic Marker And Latent Print Analysis Of Evidence Impounded At Crime Scene (Via audio ~ Via BlueJeans) 02/17/2021

08/10/2021	 Certificate of Service <i>[88] Certificate of Service</i>	In #8
09/01/2021	 Order <i>[89] Order Granting Defendant's Motion to Withdraw as Counsel</i>	In #8
09/07/2021	Case Reassigned to Department 17 <i>From Judge Jacqueline Bluth to Judge Michael Villani</i>	
11/29/2021	 Motion to Modify Sentence Filed By: Defendant Perry, Genaro Richard <i>[90] Motion for Modification of Sentence</i>	In #5
11/29/2021	 Motion to Modify Sentence Filed By: Defendant Perry, Genaro Richard <i>[91] Motion to Modify and or Correct Illegal Sentence</i>	In #5
11/29/2021	 Supplement Filed by: Defendant Perry, Genaro Richard <i>[92] Supplement for Genaro Richard Perry's Writ of Habeas Corpus</i>	In #5
12/15/2021	 Opposition <i>[93] State's Opposition to Defendant's Motion to Modify and/or Correct Illegal Sentence</i>	In #5
12/16/2021	 Motion Filed By: Defendant Perry, Genaro Richard <i>[94] Motion to Transport to Clark County Detention Center /Video Conference in Nevada Department of Corrections @ Southern Desert Correctional Center</i>	In #5
12/29/2021	 Order <i>[95] Order Denying Defendant's Motion for Modification of Sentence</i>	In #5
01/07/2022	 Motion Filed By: Defendant Perry, Genaro Richard <i>[96] Motion and Order for Transportation of Inmate for Court Appearance or in the Alternative for Appearance by Telephone or Video Conference</i>	In #5
01/14/2022	 Response Filed by: Defendant Perry, Genaro Richard <i>[97] Response to Opposition to Defendant's Motion to Modify and or Correct Illegal Sentence</i>	In #5
01/27/2022	 Notice of Appeal (Criminal) Party: Defendant Perry, Genaro Richard <i>[98] Notice of Appeal (Criminal)</i>	In #5
01/27/2022	 Designation of Record on Appeal Filed By: Defendant Perry, Genaro Richard	In #5

CASE SUMMARY
CASE NO. C-14-298879-1

[99] Designation of Record on Appeal

01/31/2022



Case Appeal Statement

[100] Case Appeal Statement

In #1

02/11/2022



Notice of Appeal (Criminal)

[101] Notice of Appeal

In #1

02/14/2022



Case Appeal Statement

[102] Case Appeal Statement

In #1

DISPOSITIONS

10/01/2015

Plea (Judicial Officer: Cadish, Elissa F.)

1. ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

2. FALSE IMPRISONMENT WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

3. GRAND LARCENY AUTO

Guilty

PCN: Sequence:

4. ASSAULT WITH A DEADLY WEAPON

Guilty

PCN: Sequence:

5. COERCION

Guilty

PCN: Sequence:

6. BATTERY RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE

Guilty

PCN: Sequence:

7. PREVENTING OR DISSUADING WITNESS OR VICTIM FROM REPORTING CRIME OR COMMENCING PROSECUTION

Guilty

PCN: Sequence:

01/06/2016

Disposition (Judicial Officer: Cadish, Elissa F.)

1. ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

2. FALSE IMPRISONMENT WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

3. GRAND LARCENY AUTO

Guilty

PCN: Sequence:

4. ASSAULT WITH A DEADLY WEAPON

Guilty

PCN: Sequence:

CASE SUMMARY
CASE NO. C-14-298879-1

5. COERCION

Guilty

PCN: Sequence:

6. BATTERY RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE

Guilty

PCN: Sequence:

7. PREVENTING OR DISSUADING WITNESS OR VICTIM FROM REPORTING CRIME OR COMMENCING PROSECUTION

Guilty

PCN: Sequence:

01/06/2016 **Adult Adjudication** (Judicial Officer: Cadish, Elissa F.)

1. ROBBERY WITH USE OF A DEADLY WEAPON

05/01/2014 (F) 200.380 (DC50138)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:36 Months, Maximum:120 Months

Consecutive Enhancement:for Use of Deadly Weapon, Minimum:36 Months, Maximum:120 Months

01/06/2016 **Adult Adjudication** (Judicial Officer: Cadish, Elissa F.)

2. FALSE IMPRISONMENT WITH USE OF A DEADLY WEAPON

05/01/2014 (F) 200.460.3b (DC50185)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:18 Months, Maximum:60 Months

Concurrent: Charge 1

01/06/2016 **Adult Adjudication** (Judicial Officer: Cadish, Elissa F.)

3. GRAND LARCENY AUTO

05/01/2014 (F) 205.228.3 (DC56014)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:24 Months, Maximum:96 Months

Consecutive: Charge 1 & 2

01/06/2016 **Adult Adjudication** (Judicial Officer: Cadish, Elissa F.)

4. ASSAULT WITH A DEADLY WEAPON

05/01/2014 (F) 200.471.2b (DC50201)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:18 Months, Maximum:60 Months

Concurrent: Charge 3

01/06/2016 **Adult Adjudication** (Judicial Officer: Cadish, Elissa F.)

5. COERCION

05/01/2014 (F) 207.190.2a (DC53159)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:18 Months, Maximum:60 Months

Concurrent: Charge 4

01/06/2016 **Adult Adjudication** (Judicial Officer: Cadish, Elissa F.)

6. BATTERY RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE

CASE SUMMARY
CASE NO. C-14-298879-1

05/01/2014 (F) 200.481 (DC57937)
 PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
 Term: Minimum:18 Months, Maximum:48 Months
 Concurrent: Charge 5

01/06/2016

Adult Adjudication (Judicial Officer: Cadish, Elissa F.)
 7. PREVENTING OR DISSUADING WITNESS OR VICTIM FROM REPORTING CRIME OR COMMENCING PROSECUTION
 05/01/2014 (F) 199.305 (DC52996)
 PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
 Term: Minimum:12 Months, Maximum:36 Months
 Concurrent: Charge 6
 Credit for Time Served: 597 Days
 Comments: Aggregate total 96/336 months in NDC
 Fee Totals:

AA Fee - Battery Domestic Violence	35.00
\$35 Administrative Assessment Fee	25.00
\$25 DNA Analysis Fee	150.00
\$150 Genetic Marker Analysis AA Fee	3.00
\$3 Indigent Defense Civil Assessment	250.00
Fee - ASK	
Fee Totals \$	463.00
Other Fees	
1. , \$18,103.28	

HEARINGS

06/26/2014

 **Initial Arraignment** (1:00 PM) (Judicial Officer: De La Garza, Melisa)
 Plea Entered;
 Journal Entry Details:
DEFT. PERRY ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript. CUSTODY (COC) 7/21/2014 9:30 A.M. Calendar Call (Dept. 6) 7/28/2014 10:00 A.M. Jury Trial (Dept. 6) ;

07/21/2014

 **Calendar Call** (9:30 AM) (Judicial Officer: Cadish, Elissa F.)
 Matter Heard;
 Journal Entry Details:
Mr. Stephens advised he has provided discovery to defense counsel, the Clark County Detention Center (CCDC) records and jail phone calls; the victim is still seeking treatment for the injuries, so all of the medical records are not available to be provided to defense counsel; the State is ready for trial, but if the defense would like a continuance due to all the discovery not being disclosed, and discovery is ongoing, the State is not opposed if the defense needs a continuance. Mr. Smillie advised he has discussed matters with the Deft. in regards to the lack of medical records; the injury to the eye is significant and may be important for use prior to going to trial; the Deft. has invoked, but counsel does not wish to proceed to trial until the records are received and the Deft. is being detained on other matters. Colloquy regarding the continuance of the over flow eligible trial to the September stack. Court noted that in light of the short trial setting and discovery being provided, the defense would like a continuance with the understanding the Deft. will waive to allow the setting. Upon the inquiry of the Court, the Deft. stated he will WAIVE speedy to allow the September 29th setting. COURT ORDERED, trial VACATED and CONTINUED. CUSTODY 9-22-14 9:30 AM CALENDAR CALL 9-29-14 10:00 AM JURY TRIAL ;

CASE SUMMARY
CASE NO. C-14-298879-1

- 07/28/2014 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Cadish, Elissa F.)
Vacated - per Judge

- 09/22/2014  **Calendar Call** (9:30 AM) (Judicial Officer: Cadish, Elissa F.)
 Matter Heard;
 Journal Entry Details:
Mr. Shetler advised they are not ready for trial, and there is a stipulation for a continuance of the trial as there are outstanding medical issues and they don't have the victim's medical records. Colloquy regarding the continuance of the over flow eligible trial. There being no opposition, COURT ORDERED, trial VACATED and CONTINUED. CUSTODY 11-24-14 9:30 AM CALENDAR CALL 12-1-14 10:00 AM JURY TRIAL ;

- 09/29/2014 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Cadish, Elissa F.)
Vacated - per Judge

- 11/24/2014  **Calendar Call** (9:30 AM) (Judicial Officer: Cadish, Elissa F.)
 Matter Heard;
 Journal Entry Details:
Ms. Digiacommo advised there is no opposition to the requested continuance by the defense. Mr. Smiley requested a continuance advising they've tried, and continue to try working with the approved county vendor list for a medical expert which is needed on the case; one has yet to be obtained, and which is necessary due to the substantial bodily injury charge. Court stated, good cause is found for the continuance. Colloquy regarding the continuation of the trial. COURT ORDERED, trial CONTINUED. CUSTODY 2-9-15 9:30 AM CALENDAR CALL 2-17-15 10:00 AM JURY TRIAL ;

- 12/01/2014 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Cadish, Elissa F.)
Vacated - per Judge

- 02/09/2015  **Calendar Call** (9:30 AM) (Judicial Officer: Cadish, Elissa F.)
 Matter Heard;
 Journal Entry Details:
Mr. Shelter advised he has a doctor authorized to do work on the exact extent of the victims injuries, he does not yet have the report, or a date for when the report will be complete, parties have discussed a trial setting in early May, and a 7-10 day status check is requested to attempt to resolve things. Mr. Stephens advised the case is over flow eligible. COURT ORDERED, trial CONTINUED; proceedings SET for status check. CUSTODY 2-18-15 8:30 AM STATUS CHECK: NEGOTIATIONS 4-27-15 9:30 AM CALENDAR CALL 5-4-15 10:00 AM JURY TRIAL ;

- 02/17/2015 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Cadish, Elissa F.)
Vacated - per Judge

- 02/18/2015  **Status Check** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)
02/18/2015, 02/23/2015
Status Check Negotiations
 Matter Heard;
 Matter Heard;
 Journal Entry Details:
Defendant not present At the request of Mr. Shetler and there being no opposition, COURT ORDERED, proceedings STAND as calendared; matters may be re calendared for entry of plea should an agreement be reached. CUSTODY 4-27-15 9:30 AM CALENDAR CALL 5-4-15 10:00 AM JURY TRIAL ;
 Matter Heard;
 Matter Heard;
 Journal Entry Details:
Mr. Shetler advised there is an agreement that needs to be finalized in writing and signed. COURT ORDERED, matter CONTINUED CUSTODY 2-23-15 8:30 AM STATUS CHECK: NEGOTIATIONS ;

- 04/27/2015  **Calendar Call** (9:30 AM) (Judicial Officer: Cadish, Elissa F.)
04/27/2015, 04/29/2015
 Matter Heard;
 Matter Heard;
 Journal Entry Details:
Mr. Shetler announced he is ready to proceed to trial and advised he has spoken with Ms. Baharav and there's a

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. C-14-298879-1

doctor they will both use for testimony, but he will not be available until Friday and the CSI will not be available until Thursday; it's requested the trial begin Wednesday and will be done by Friday. Ms. Sudano stated she and Ms. Baharav have trials next week and they are looking at getting the trial done. Colloquy regarding trial logistics. COURT ORDERED, case to trial May 5th @ 1:30 PM; by Friday counsel are to provide proposed jury instructions in Word to Judicial Executive Assistant (J.E.A.), and unless there are an unusual number of exhibits they can be brought in at time of trial to be marked. CUSTODY 5-5-15 1:30 PM JURY TRIAL ;

Matter Heard;

Matter Heard;

Journal Entry Details:

Mr. Stephens announced the State is ready to proceed to trial; 7-9 witnesses, 4-5 days, zero out of state witnesses, and the trial is Overflow eligible. Mr. Shetler announced the defense is ready. COURT ORDERED, proceedings CONTINUED to determine if this case will be heard by this Court, or if it will be sent to Overflow. CUSTODY 4-29-15 8:30 AM CALENDAR CALL 55-4-15 10:00 AM JURY TRIAL ;

05/04/2015 **CANCELED Jury Trial (10:00 AM)** (Judicial Officer: Cadish, Elissa F.)
Vacated - per Judge

05/06/2015  **Jury Trial (1:30 PM)** (Judicial Officer: Cadish, Elissa F.)

05/06/2015-05/07/2015

Trial Continues;

Trial Date Set;

Trial date reset.

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURORS: Ms. Baharav advised the State is down to five witnesses. Mr. Shetler advised the expert doctor is not available and he asked to continue the matter to have a doctor present to testify. Ms. Baharav advised the State is prepared to go forward without the doctor and the Defense was going to use their doctor. Mr. Shetler stated there is two sides to the argument, his client is more comfortable to have a doctor take the stand and he wanted the doctor to review the medical records. Ms. Baharav stated she is comfortable for no doctor to take the stand and they can use the medical records; also they have agreed to use the records as they are and Mr. Shetler would discuss this with his client. Court noted if they don't stipulate for the records to come in without the doctor then the State may have a problem. Mr. Shetler advised he would review this with his client. Court reviewed the time of the case and noted the Deft has been in custody close to a year; therefore, if this case continues her next criminal stack is June/July and September. Court advised she will step out and reminded counsel this case is overflow eligible. Mr. Shetler stated he will be on vacation in July. Matter trailed. **MATTER RECALLED:** Mr. Shetler asked to continue the trial to have an expert witness. Court indicated to Mr. Shetler that he knew his doctor would not be available and that he would be using the State's witness but he also cannot be here for the trial and Deft understands that he will be four months more in custody. Court suggested counsel talk about another negotiation. Upon Court's inquiry, Defendant advised he agreed to continue the trial date because of not having a doctor present and he understands that counsel has a vacation scheduled in July but he would like to keep this Judge. Court advised this case may go to overflow and that this case is scheduled the same week as her trial for War Machine. COURT ORDERED, Trial VACATED and Trial date RESET. State's exhibits returned to Ms. Baharav. Court asked the Marshal to advised the jury panel they are dismissed. CUSTODY 9/21/15 9:30 AM CALENDAR CALL 9/28/15 10:00 AM JURY TRIAL ;

Trial Continues;

Trial Date Set;

Trial date reset.

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Colloquy regarding scheduling, witness testimony, and proceedings going forward. Ms. Baharav stated parties have discussed the potential stipulation to the medical records in lieu of live testimony, and noted concerns by defense counsel that they would like to be heard prior to the witnesses. Court stated the issue will be discussed at the end of the day. Colloquy regarding instructions, peremptory challenges, the jury selection process and alleged relationship between the Defendant and victim. **IN THE PRESENCE OF THE PROSPECTIVE JURY PANEL:** Introductory comments by the Court. Roll of prospective jurors called and sworn by the Clerk. Introductions on behalf of the State by Ms. Baharav and on behalf of the Defendant by Mr. Shetler as to the names of prospective witnesses to be called and the general nature of the case. General voir dire of prospective jurors by the Court. COURT ORDERED, matter CONTINUED to May 7th @ 1 PM.;

08/31/2015  **Motion to Admit Evidence (8:30 AM)** (Judicial Officer: Cadish, Elissa F.)

08/31/2015, 09/17/2015

Motion to Admit Evidence Pursuant to NRS 48.045

Continued;

Granted;

Continued;

Granted;

CASE SUMMARY

CASE NO. C-14-298879-1

Journal Entry Details:

Court noted the State's motion did not make the calendar, but it can be addressed. Mr. Shetler stated he spoke about it with the State. Colloquy. Arguments by counsel. Ms. Sudano moved for a Petrocelli hearing. COURT SO ORDERED; State's motion will not be heard as it is contingent on the door being opened, and should it come up will be taken up outside the presence. Court stated this will be the only matter calendared and requested counsel be on time. CUSTODY 9-17-15 8:30 AM PETROCELLI HEARING...DEFT'S MOTION TO ADMIT EVIDENCE PURSUANT TO NRS 48.045 ;

09/17/2015 **Petrocelli Hearing (8:30 AM)** (Judicial Officer: Cadish, Elissa F.)
Off Calendar;

09/17/2015  **All Pending Motions (8:30 AM)** (Judicial Officer: Cadish, Elissa F.)

Matter Heard;

Journal Entry Details:

DEFT'S MOTION TO ADMIT EVIDENCE PURSUANT TO NRS 48.045...PETROCELLI HEARING Colloquy regarding calendared matters and the lack of a need for the Petrocelli Hearing. Arguments by counsel. Court stated findings and ORDERED, motion GRANTED in the limited extent described in connection with the self defense defense. Mr. Shetler stated he has spoken with the Defendant and they are comfortable with a Bench Trial. Colloquy regarding the scheduling of the trial. Ms. Sudano stated the State is ready to go forward; and barring any emergency, there should be no issues. COURT ORDERED, request for Bench Trial GRANTED; matters to be discussed further at the calendar call. 9-21-15 9:30 AM CALENDAR CALL 9-28-15 10:00 AM JURY TRIAL ;

09/21/2015  **Calendar Call (9:30 AM)** (Judicial Officer: Cadish, Elissa F.)

Matter Heard;

Journal Entry Details:

Parties announced ready. Ms. Sudano advised four to five days, seven to nine witnesses and one out of state witness. COURT ORDERED, trial date STANDS. Mr. Shetler advised Deft. requested that he inquire as to waiving jury panel. Ms. Sudano advised the State will not stipulate to waive jury panel. Colloquy. Court instructed counsel to have jury instructions to chambers by Wednesday. CUSTODY 9/28/15 1:30 PM JURY TRIAL ;

09/28/2015 **CANCELED Jury Trial (10:00 AM)** (Judicial Officer: Cadish, Elissa F.)
Vacated - per Judge

09/29/2015  **Bench Trial (1:30 PM)** (Judicial Officer: Cadish, Elissa F.)

09/29/2015-10/01/2015

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

Stipulation and Order FILED IN OPEN COURT Ms. Sudano requested the Stipulation and Order be signed as both parties agree to WAIVE a trial by jury; Stipulation and Order SIGNED IN OPEN COURT. Argument by counsel regarding the self-defense instructions. Instructions settled. Upon Court's inquiry, Mr. Shetler made no objection to the Verdict Form, stating he reviewed it with Deft. Colloquy regarding the parties agreeing to the Court reading the Instructions in-chambers. Instructions read in-chambers. Closing statements by Ms. Sudano. Closing arguments by Mr. Shetler. At the hour of 12:00 p.m. the Court retired to deliberate. At the hour of 12:58 p.m. the Court returned with its VERDICT in accordance with the written Verdict Form which was FILED IN OPEN COURT. COURT FINDS Deft. GUILTY as follows: COUNT 1 - ROBBERY WITH USE OF A DEADLY WEAPON, COUNT 2 - FALSE IMPRISONMENT WITH USE OF A DEADLY WEAPON, COUNT 3 - GRAND LARCENY AUTO, COUNT 4 - ASSAULT WITH A DEADLY WEAPON, COUNT 5 - COERCION, COUNT 6 - BATTERY RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE, and COUNT 7 - PREVENTING OR DISSUADING WITNESS OR VICTIM FROM REPORTING CRIME OR COMMENCING PROSECUTION. COURT ORDERED Deft. REMANDED into CUSTODY WITHOUT BAIL, matter REFERRED to the Division of Parole and Probation (P&P) and SET for Sentencing. CUSTODY 11/16/15 8:30 A.M. SENTENCING CLERK'S NOTE: This Minute Order was corrected to reflect seven guilty charges. sb/ 11/04/15;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

Colloquy regarding scheduling. Testimony and exhibits presented, (see worksheets). State rests. Court advised Deft. of his right not to testify. Colloquy regarding instructions and scheduling. Defense rests. Further colloquy regarding scheduling. COURT ORDERED, Matter CONTINUED. CUSTODY CONTINUED TO: 10/01/15 10:00 A.M. ;

Trial Continues;

CASE SUMMARY

CASE NO. C-14-298879-1

Trial Continues;

Verdict;

Journal Entry Details:

Court noted parties have agreed to a Non-Jury Trial with this Court as the trier of fact, rather than a Jury. Ms. Sudano and Mr. Shetler concurred. Court noted the Defendant is in custody, and a ruling will be issued based upon the facts of the law; proceedings were continued previously due to the unavailability of the doctor, who is now available. Ms. Sudan concurred. Colloquy regarding proceedings going forward. Opening statement on behalf of the State by Ms. Sudano, and on behalf of the Defendant by Mr. Shetler. Mr. Shetler advised parties have stipulated to the admission of State's Exhibits 1-37. COURT SO ORDERED. Exclusionary Rule INVOKED. Testimony and Exhibits presented (See Worksheet). Colloquy regarding proceedings going forward. Court advised the Defendant as to his constitutional rights as to any testimony. COURT ORDERED, matter CONTINUED TO September 30th @ 10:30 AM.;

11/16/2015

 **Sentencing** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

11/16/2015, 11/23/2015, 01/06/2016

Continued;

Continued;

Defendant Sentenced;

Journal Entry Details:

Court noted the receipt of the Presentence Investigation Report (PSI), and Sentencing Memorandum, and the review of several of the Defendant s certificates of completion of various programs. Upon the inquiry of the Court , Mr. Shetler stated he decided not to provide a letter to the Court. By virtue of the findings from the Non Jury Trial, Defendant PERRY ADJUDGED GUILTY OF COUNT I, ROBBERY WITH USE OF A DEADLY WEAPON (F), COUNT II, FALSE IMPRISONMENT WITH USE OF A DEADLY WEAPON (F), COUNT III, GRAND LARCENY AUTO (F), COUNT IV, ASSAULT WITH A DEADLY WEAPON (F), COUNT V, COERCION (F), COUNT VI, BATTERY RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE (F), AND COUNT VII, PREVENTING OR DISSUADING WITNESS OR VICTIM FROM REPORTING CRIME OR COMMENCING PROSECUTION (F). Arguments by counsel. Statement by Defendant. COURT ORDERED, in addition t to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, \$3.00 DNA Collection fee, \$250.00 Indigent Defense Civil Assessment fee, and \$35.00 Domestic Violence fee, as to COUNT I, Defendant SENTENCED to a MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS, AND A MINIMUM OF THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC), PLUS A CONSECUTIVE SENTENCE OF A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS, AND A MINIMUM OF THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC) for the use of a deadly weapon, and Restitution of \$18,103.28, as to COUNT II, a MAXIMUM OF SIXTY (60) MONTHS, AND A MINIMUM OF EIGHTEEN (18) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT WITH COUNT I, as to COUNT III, a MAXIMUM OF NINETY-SIX (96) MONTHS, AND A MINIMUM OF TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC) CONSECUTIVE TO COUNTS I, AND II, as to COUNT IV, a MAXIMUM OF SIXTY (60) MONTHS, AND A MINIMUM OF EIGHTEEN (18) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT WITH COUNT III, as to COUNT V, a MAXIMUM OF SIXTY (60) MONTHS, AND A MINIMUM OF EIGHTEEN (18) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT WITH COUNT IV, and as to COUNT VI, a MAXIMUM OF FORTY-EIGHT (48) MONTHS, AND A MINIMUM OF EIGHTEEN (18) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT WITH COUNT V, and as to COUNT VII, a MAXIMUM OF THIRTY-SIX (36) MONTHS, AND A MINIMUM OF TWELVE (12) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT WITH COUNT VI ; for an AGGREGATE sentence of a MAXIMUM OF THREE HUNDRED THIRTY-SIX (336) MONTHS, AND A MINIMUM OF NINETY-SIX (96) MONTHS in the Nevada Department of Corrections (NDC), WITH FIVE HUNDRED NINETY-SEVEN (597) DAYS credit for time served. NDC ;

Continued;

Continued;

Defendant Sentenced;

Journal Entry Details:

Mr. Shetler advised he received the Pre-Sentence Investigation Report (PSI) on November 12th, the Deft. wants more time to discuss matters, and requested a continuance for the preparation of the sentencing memorandum. Argument in opposition of continuance by Ms. Sudano; understand Mr. Shetler was ill, and he was allowed to recover, but there is a speaker present. Upon inquiry of Ms. Sudano, Mr. Shetler stated he is not opposed to allowing the victim to speak today. Speaker SWORN and TESTIFIED. Colloquy regarding continuing sentencing, COURT ORDERED, matter CONTINUED. CUSTODY CONTINUED TO: 1/6/16 8:30 AM ;

Continued;

Continued;

Defendant Sentenced;

Journal Entry Details:

Ms. Coccamo moved for a continuance on behalf of Mr. Shetler. Mr. Hamner noted the presence of a speaker. COURT ORDERED, matter CONTINUED. CUSTODY 11-23-15 8:30 AM SENTENCING;

CASE SUMMARY

CASE NO. C-14-298879-1

<p>04/24/2017 04/24/2017 04/24/2017 04/24/2017 04/24/2017 04/24/2017 04/24/2017 05/01/2017 05/01/2017</p>	<p>Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Cadish, Elissa F.) 04/24/2017, 05/01/2017, 06/02/2017 Events: 02/07/2017 Petition for Writ of Habeas Corpus <i>Defendant s Pro Per Petition for Writ of Habeas Corpus (Post Conviction) (Evidentiary Hearing)</i> MINUTES  Petition for Writ of Habeas Corpus <i>[60] Evidentiary Hearing Petition for Writ of Habeas Corpus (Post-Conviction)</i> Continued; Continued; Continued; Continued;</p> <p>Motion for New Trial (8:30 AM) (Judicial Officer: Cadish, Elissa F.) Events: 02/07/2017 Motion for New Trial <i>Defendant's Pro Per Motion for a New Trial with Newly Discovered Evidence. Motion to Vacate</i> Denied;</p> <p>Motion to Withdraw as Counsel (8:30 AM) (Judicial Officer: Cadish, Elissa F.) Events: 02/07/2017 Motion <i>Defendant's Pro Per Motion to Withdraw Counsel</i> Granted;</p> <p>Motion for Appointment (8:30 AM) (Judicial Officer: Cadish, Elissa F.) Events: 02/07/2017 Motion <i>Defendant's Pro Per Motion to Appoint Counsel</i> Granted;</p> <p>Motion (8:30 AM) (Judicial Officer: Cadish, Elissa F.) <i>Defendant's Pro Per Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference</i> Denied;</p> <p> All Pending Motions (8:30 AM) (Judicial Officer: Cadish, Elissa F.) Matter Heard; Journal Entry Details: <i>Defendant's Pro Per Petition for Writ of Habeas Corpus (Post Conviction) (Evidentiary Hearing)...Defendant's Pro Per Motion for a New Trial with Newly Discovered Evidence. Motion to Vacate...Defendant's Pro Per Motion to Withdraw Counsel...Defendant's Pro Per Motion to Appoint Counsel...Defendant's Pro Per Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference Defendant not present. Court stated findings and ORDERED, Defendant's Pro Per Motion to Withdraw Counsel GRANTED; Defendant's Pro Per Motion to Appoint Counsel GRANTED to supplement the Petition For Writ of Habeas Corpus; Defendant's Pro Per Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference DENIED to the extent it seeks to have the Defendant transported for today's proceedings, and Defendant's Pro Per Motion for a New Trial with Newly Discovered Evidence DENIED; matter SET for confirmation of counsel. FURTHER ORDERED, pursuant to the receipt of communication from the Nevada Department of Corrections, the Judgment of Conviction is to be amended to remove the aggregate sentence imposed due to the offense date of May 1, 2014, which is prior to the aggregation point of July 1, 2014. NDC 5-1-17 8:30 AM Confirmation of Counsel...Defendant's Pro Per Petition for Writ of Habeas Corpus (Post Conviction) (Evidentiary Hearing)... CLERK'S NOTE: Drew Christensen notified of calendared proceedings.;</i></p> <p>Confirmation of Counsel (8:30 AM) (Judicial Officer: Cadish, Elissa F.) Confirmed;</p> <p> All Pending Motions (8:30 AM) (Judicial Officer: Cadish, Elissa F.) Matter Heard; Journal Entry Details: <i>Confirmation of Counsel...Defendant's Pro Per Petition For Writ Of Habeas Corpus (Post-Conviction)(Evidentiary Hearing) Ms. Anderlik stated Ms. Schwartzer will confirm as counsel, and requested a continuance to obtain the file. COURT ORDERED, Gene Schwartzer CONFIRMED as counsel; matte SET for status check. NDC 5-31-17 8:30 AM</i></p>	<p>In #C</p>
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CASE SUMMARY

CASE NO. C-14-298879-1

Status Check...Defendant's Pro Per Petition For Writ Of Habeas Corpus (Post-Conviction)(Evidentiary Hearing) ;

06/02/2017

 **Status Check** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

06/02/2017, 06/28/2017, 08/30/2017, 11/01/2017

Continued;

Continued;

Matter Heard;

Matter Heard;

Journal Entry Details:

Defendant not present. Appearing on behalf of the Defendant, Lance Hendron Esq. Court noted proceedings were calendared for status check on the habeas briefing schedule. Mr. Hendron stated there are ongoing investigations and requested 60 days to file a supplement. COURT ORDERED, Defendant's supplement is due January 15, 2018, State's response March 15, 2018, Defendant's reply April 16, 2018; matter SET for argument, and at which time it will be determined if an evidentiary hearing is needed; Defendant is to be transported at the request of Mr. Hendron; State to prepare the transport order unless otherwise is heard from Mr. Hendron. NDC 4-30-18 8:30 AM ARGUMENT ;

Continued;

Continued;

Matter Heard;

Matter Heard;

Journal Entry Details:

Defendant not present. Court noted proceedings were calendared to set a briefing schedule on the post conviction matter. Ms. Allen requested 60 days for investigative purposes and matters that need to be completed prior to setting briefing. COURT ORDERED, proceedings CONTINUED. NDC 11-1-17 8:30 AM STATUS CHECK ;

Continued;

Continued;

Matter Heard;

Matter Heard;

Journal Entry Details:

Defendant not present. Present on behalf of the Defendant, Deputy Public Defender Maxwell Berkley. Mr. Berkley stated he will stand in for this case, and his understanding is attorney Schwartz will ask for a 60 day status check, and for which there is no objection by the state. Mr. Rose concurred. COURT ORDERED, matter CONTINUED. NDC 8-30-17 8:30 AM STATUS CHECK;

Continued;

Continued;

Matter Heard;

Matter Heard;

Journal Entry Details:

Mr. Gallo requested a continuance to determine what investigation needs to be done. Mr. Zadrowski concurred. COURT ORDERED, matter CONTINUED. NDC CONTINUED TO 6/28/17 8:30 AM;

10/15/2018

CANCELED Argument (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Vacated - per Stipulation and Order

01/30/2019

 **Motion** (8:30 AM) (Judicial Officer: Bixler, James)

01/30/2019, 02/11/2019

Motion and Order for Transportation of Inmate for Court Appearance or in the Alternative for Appearance by Telephone or Video Conference

Continued;

Matter Heard;

Journal Entry Details:

Defendant not present. Ms. Schwartz requested additional time for briefing and the transport of the Defendant. COURT ORDERED, briefing schedule AMENDED; Defendant's brief is due May 13th, State's response July 15th, Defendant's response August 15th, hearing CONTINUED to September 9th. Ms. Schwartz stated she will be arguing for an evidentiary hearing. COURT ORDERED, Defendant WILL NOT be transported for the argument on the writ. NDC 9-9-19 8:30 AM ARGUMENT: WRIT OF HABEAS CORPUS;

Continued;

Matter Heard;

Journal Entry Details:

Defendant not present. Mr. Turner stated Ms. Schwartz is appellant counsel. Court noted the history of proceedings. Colloquy regarding the grounds for the writ and counsel. Mr. Turner stated all he has is the Defendant's Pro Per motion and he does not have the procedural status of the case now. COURT ORDERED, proceedings CONTINUED for the presence of counsel. NDC 2-11-19 8:30 AM Motion and Order for Transportation of Inmate for Court

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-14-298879-1

Appearance or in the Alternative for Appearance by Telephone or Video Conference CLERK'S NOTE: Attorney Jean Schwartzer notified of calendared proceedings.;

09/09/2019	 Argument (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.) Off Calendar; Journal Entry Details: <i>Defendant not present. Record made by Ms. Schwartzer in regards to stipulation and order to extend time. Colloquy regarding Motion to Compel as to Metro. COURT ORDERED, matter OFF CALENDAR. NDC;</i>
03/11/2020	CANCELED Argument (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.) <i>Vacated - On in Error</i>
02/17/2021	 Motion for Order (11:00 AM) (Judicial Officer: Bluth, Jacqueline M.) <i>Petitioner's Motion Requesting Order Directing the Las Vegas Metropolitan Police Department to Conduct Genetic Marker and Latent Print Analysis of Evidence Impounded at Crime Scene</i> Denied; Journal Entry Details: <i>Argument by Ms. Schwartzer and Ms. Mishler. Court stated findings and ORDERED, Petitioner's Motion Requesting Order Directing the Las Vegas Metropolitan Police Department to Conduct Genetic Marker and Latent Print Analysis of Evidence Impounded at Crime Scene DENIED. Colloquy regarding ruling. NDC ;</i>
08/16/2021	 Motion (11:00 AM) (Judicial Officer: Clark Newberry, Tara) <i>Motion to Withdraw Counsel</i> Granted; Motion to Withdraw Counsel Journal Entry Details: <i>Court noted the Deft. was in the custody of the Nevada Department of Corrections (NDC). COURT ORDERED Motion to Withdraw as Counsel GRANTED; Ms. Schwartzer ORDERED to provide the file and documents to Deft. State DIRECTED to prepare the order. NDC CLERK S NOTE: A copy of this minute order has been mailed to: Genaro Perry, #1153366, Southern Desert Correctional Center, PO Box 208, Indian Springs, Nevada 89070-0208, and e-mailed to Jean Schwartzer. // cbm 09-01-2021 ;</i>
12/20/2021	 Motion to Modify Sentence (8:30 AM) (Judicial Officer: Villani, Michael) <i>Motion for Modification of Sentence</i> Denied; Journal Entry Details: <i>Betsy Allen, Esq. and Defendant not present. Court advised it was basing its decision on the pleadings on file herein and not accepting oral argument; COURT ADOPTED the Procedural History as set forth by the State. Court FINDS Defendant was sentenced within statutory guidelines, has failed to establish that his sentence was based upon a material untrue assumption or mistake of fact and any claim regarding parole eligibility must be served upon the Attorney General, therefore ORDERED, Motion DENIED and status check SET for the order. Court directed the State to prepare the Order and advised the status check would be vacated once the Order was filed. NDC 1/10/2022 8:30 AM STATUS CHECK: ORDER CLERK'S NOTE: A copy of this Minute Order was mailed to Genaro Perry #1153366 SDCC PO Box 208 Indian Springs, NV 89070 (12/28/2021 SA);</i>
01/10/2022	CANCELED Motion (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - Moot</i> <i>Motion to Transport to Clark County Detention Center /Video Conference in Nevada Department of Corrections @ Southern Desert Correctional Center</i>
01/10/2022	CANCELED Status Check: Status of Case (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated</i> <i>Status Check: Order</i>
01/31/2022	CANCELED Motion (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated</i> <i>Motion and Order for Transportation of Inmate for Court Appearance or in the Alternative for Appearance by Telephone or Video Conference</i>

DATE

FINANCIAL INFORMATION

Defendant Perry, Genaro Richard

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-14-298879-1

Total Charges	464.50
Total Payments and Credits	1.50
Balance Due as of 2/14/2022	463.00

1 **ORDR**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 ELISE M. CONLIN
6 Deputy District Attorney
7 Nevada Bar #14856
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,
11 Plaintiff,

12 -vs-

13 GENARO RICHARD PERRY,
14 #1456173

15 Defendant.

CASE NO: C-14-298879-1

DEPT NO: XVII

16 **ORDER DENYING DEFENDANT'S MOTION FOR MODIFICATION OF**
17 **SENTENCE**

18 DATE OF HEARING: December 20, 2021
19 TIME OF HEARING: 08:30 A.M.

20 THIS MATTER having come on for hearing before the above-entitled Court on the
21 20th day of December, 2021, the Defendant not being present, BETSY ALLEN, ESQ.
22 appeared on behalf of Defendant, the Plaintiff being represented by STEVEN B. WOLFSON,
23 District Attorney, through ELISE M. CONLIN, Deputy District Attorney, and the Court
24 without argument, based on the pleadings and good cause appearing therefor,

25 Court advised it was basing its decision on the pleadings on file herein; COURT
26 ADOPTED the Procedural History as set forth by the State. Court FINDS Defendant was

27 ///

28 ///

///

1 sentenced within statutory guidelines, has failed to establish that his sentence was based upon
2 a material untrue assumption or mistake of fact and any claim
3 regarding parole eligibility must be served upon the Attorney General, therefore ORDERED,
4 Motion DENIED.

5 Dated this 29th day of December, 2021

6 

7
8 359 99A CE8C C304
9 Michael Villani
10 District Court Judge

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

14 BY /s/ ELISE M. CONLIN
15 ELISE M. CONLIN
16 Deputy District Attorney
17 Nevada Bar #14856
18
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24
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26
27

28 14F07966X/jh/DVU

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-14-298879-1

7 vs

DEPT. NO. Department 17

8 Genaro Perry
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 12/29/2021

15 Clark County District Attorney's Office .

PDMotions@clarkcountyda.com

16 Patricia Pinotti .

plpinotti@gmail.com

17 Travis Shetler .

travisshetler@gmail.com

18 Jean Schwartzer

jean.schwartzzer@gmail.com

19 District Court Department 17

dept17lc@clarkcountycourts.us

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21
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23
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 26, 2014

C-14-298879-1 State of Nevada
vs
Genaro Perry

June 26, 2014 1:00 PM Initial Arraignment

HEARD BY: De La Garza, Melisa **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Dania Batiste
Deborah Miller

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	Perry, Genaro Richard	Defendant
	Roberts, Tara M.	Attorney
	Smillie, Ross	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT. PERRY ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript.

CUSTODY (COC)

7/21/2014 9:30 A.M. Calendar Call (Dept. 6)

7/28/2014 10:00 A.M. Jury Trial (Dept. 6)

C-14-298879-1

CUSTODY

9-22-14 9:30 AM CALENDAR CALL

9-29-14 10:00 AM JURY TRIAL

will be on vacation in July. Matter trailed.

MATTER RECALLED: Mr. Shetler asked to continue the trial to have an expert witness. Court indicated to Mr. Shetler that he knew his doctor would not be available and that he would be using the State's witness but he also cannot be here for the trial and Deft understands that he will be four months more in custody. Court suggested counsel talk about another negotiation. Upon Court's inquiry, Defendant advised he agreed to continue the trial date because of not having a doctor present and he understands that counsel has a vacation scheduled in July but he would like to keep this Judge. Court advised this case may go to overflow and that this case is scheduled the same week as her trial for War Machine. COURT ORDERED, Trial VACATED and Trial date RESET. State's exhibits returned to Ms. Baharav. Court asked the Marshal to advised the jury panel they are dismissed.

CUSTODY

9/21/15 9:30 AM CALENDAR CALL

9/28/15 10:00 AM JURY TRIAL

C-14-298879-1

9-21-15 9:30 AM CALENDAR CALL

9-28-15 10:00 AM JURY TRIAL

ASSAULT WITH A DEADLY WEAPON, COUNT 5 - COERCION, COUNT 6 - BATTERY RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE, and COUNT 7 - PREVENTING OR DISSUADING WITNESS OR VICTIM FROM REPORTING CRIME OR COMMENCING PROSECUTION. COURT ORDERED Deft. REMANDED into CUSTODY WITHOUT BAIL, matter REFERRED to the Division of Parole and Probation (P&P) and SET for Sentencing.

CUSTODY

11/16/15 8:30 A.M. SENTENCING

CLERK'S NOTE: This Minute Order was corrected to reflect seven guilty charges. sb/ 11/04/15

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 16, 2015

C-14-298879-1 State of Nevada
 vs
 Genaro Perry

November 16, 2015 8:30 AM Sentencing

HEARD BY: Cadish, Elissa F.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Keith Reed
 Natalie Ortega

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT:	Caccamo, Anais-Marie H.	Attorney
	Perry, Genaro Richard	Defendant
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- Ms. Coccamo moved for a continuance on behalf of Mr. Shetler. Mr. Hamner noted the presence of a speaker. COURT ORDERED, matter CONTINUED.

CUSTODY

11-23-15 8:30 AM SENTENCING

SENTENCED to a MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS, AND A MINIMUM OF THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC), PLUS A CONSECUTIVE SENTENCE OF A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS, AND A MINIMUM OF THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC) for the use of a deadly weapon, and Restitution of \$18,103.28, as to COUNT II, a MAXIMUM OF SIXTY (60) MONTHS, AND A MINIMUM OF EIGHTEEN (18) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT WITH COUNT I, as to COUNT III, a MAXIMUM OF NINETY-SIX (96) MONTHS, AND A MINIMUM OF TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC) CONSECUTIVE TO COUNTS I, AND II, as to COUNT IV, a MAXIMUM OF SIXTY (60) MONTHS, AND A MINIMUM OF EIGHTEEN (18) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT WITH COUNT III, as to COUNT V, a MAXIMUM OF SIXTY (60) MONTHS, AND A MINIMUM OF EIGHTEEN (18) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT WITH COUNT IV, and as to COUNT VI, a MAXIMUM OF FORTY-EIGHT (48) MONTHS, AND A MINIMUM OF EIGHTEEN (18) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT WITH COUNT V, and as to COUNT VII, a MAXIMUM OF THIRTY-SIX (36) MONTHS, AND A MINIMUM OF TWELVE (12) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT WITH COUNT VI ; for an AGGREGATE sentence of a MAXIMUM OF THREE HUNDRED THIRTY-SIX (336) MONTHS, AND A MINIMUM OF NINETY-SIX (96) MONTHS in the Nevada Department of Corrections (NDC), WITH FIVE HUNDRED NINETY-SEVEN (597) DAYS credit for time served.

NDC

Motion for a New Trial with Newly Discovered Evidence DENIED; matter SET for confirmation of counsel. FURTHER ORDERED, pursuant to the receipt of communication from the Nevada Department of Corrections, the Judgment of Conviction is to be amended to remove the aggregate sentence imposed due to the offense date of May 1, 2014, which is prior to the aggregation point of July 1, 2014.

NDC

5-1-17 8:30 AM Confirmation of Counsel...Defendant's Pro Per Petition for Writ of Habeas Corpus (Post Conviction) (Evidentiary Hearing)...

CLERK'S NOTE: Drew Christensen notified of calendared proceedings.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 16, 2021

C-14-298879-1 State of Nevada
 vs
 Genaro Perry

August 16, 2021 11:00 AM Motion Motion to Withdraw Counsel

HEARD BY: Clark Newberry, Tara **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Carina Bracamontez-Munguia

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Meng, Yu Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Court noted the Deft. was in the custody of the Nevada Department of Corrections (NDC). COURT ORDERED Motion to Withdraw as Counsel GRANTED; Ms. Schwartzer ORDERED to provide the file and documents to Deft. State DIRECTED to prepare the order.

NDC

CLERK S NOTE: A copy of this minute order has been mailed to: Genaro Perry, #1153366, Southern Desert Correctional Center, PO Box 208, Indian Springs, Nevada 89070-0208, and e-mailed to Jean Schwartzer. // cbm 09-01-2021

C-14-298879-1

CLERK'S NOTE: A copy of this Minute Order was mailed to Genaro Perry #1153366 SDCC PO Box 208 Indian Springs, NV 89070 (12/28/2021 SA)

Date Offered OBJ Admitted Date

1	PHOTOGRAPH	9/29/15	/	STP	/	9/29/15
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23	"	"	/	"	/	"
24	PHOTOGRAPH	9/29/15	/	STP	/	9/29/15



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

GENARO R. PERRY #1153366
P.O. BOX 208
INDIAN SPRINGS, NV 89070

DATE: February 14, 2022
CASE: C-14-298879-1

RE CASE: STATE OF NEVADA vs. GENARO RICHARD PERRY

NOTICE OF APPEAL FILED: February 11, 2022

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

Case Appeal Statement

- NRAP 3 (a)(1), Form 2

Order

Notice of Entry of Order *for Order filed 12/29/2021*

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; ORDER DENYING DEFENDANT’S MOTION FOR MODIFICATION OF SENTENCE; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

GENARO RICHARD PERRY,

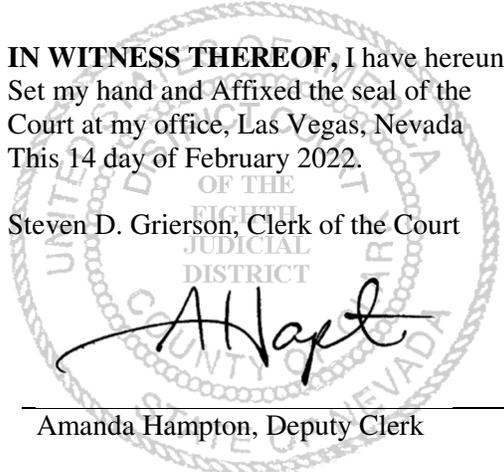
Defendant(s).

Case No: C-14-298879-1
Dept No: XVII

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 February 2022.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk