

# IN THE SUPREME COURT OF THE STATE OF NEVADA

SALLY DORIAN VILLAVERDE,  
Appellant(s),

vs.

THE STATE OF NEVADA,  
Respondent(s),

Electronically Filed  
Aug 19 2022 02:20 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No: A-18-780041-W  
*Related Case 03C191012-2*  
Docket No: 85028

# RECORD ON APPEAL VOLUME 3

**ATTORNEY FOR APPELLANT**  
SALLY VILLAVERDE #81701,  
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-18-780041-W Sally Villaverde, Plaintiff(s) vs. Brian Williams Warden,  
Defendant(s)

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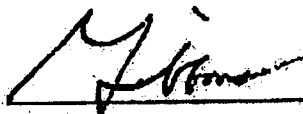
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argument. See NRS 178.598 ("Any error, defect, irregularity or variance which does not affect substantial rights shall be disregarded.").

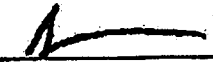
Finally, Villaverde argues the district court erred by denying his request for the appointment of postconviction counsel and for an evidentiary hearing. NRS 34.750(1) provides for the discretionary appointment of postconviction counsel if the petitioner is indigent and the petition is not summarily dismissed. Here, the district court found the petition was procedurally barred pursuant to NRS 34.810(2) and declined to appoint counsel. Because the petition was subject to summary dismissal, see NRS 34.745(4), we conclude the district court did not abuse its discretion by declining to appoint counsel. Further, because Villaverde was unable to overcome the procedural bars, Villaverde failed to demonstrate the district court erred by failing to conduct an evidentiary hearing concerning his underlying claims. See *Rubio v. State*, 124 Nev. 1032, 1046 n.53, 194 P.3d 1224, 1234 n.53 (2008).

Having concluded the district court did not err by denying Villaverde's petition as procedurally barred, we

ORDER the judgment of the district court AFFIRMED.

  
Gibbons, C.J.

  
Tao, J.

  
Bulla, J.

cc: Hon. Tierra Danielle Jones, District Judge  
Sally Dorian Villaverde  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk



**IN THE SUPREME COURT OF THE STATE OF NEVADA**

SALLY DORIAN VILLAVERDE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 84026**  
District Court Case No. A780041; ~~0191012~~

**REMITTITUR**

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.  
Receipt for Remittitur.

DATE: July 08, 2022

Elizabeth A. Brown, Clerk of Court

By: Andrew Lococo  
Deputy Clerk

cc (without enclosures):

Sally Dorian Villaverde  
Clark County District Attorney \ Alexander G. Chen  
Hon. Tierra Danielle Jones, District Judge

**RECEIPT FOR REMITTITUR**

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on JUL 11 2022.

HEATHER UNGERMANN

Deputy District Court Clerk

**RECEIVED  
APPEALS**

**JUL 11 2022**

1

22-21538

**CLERK OF THE COURT**

*Steven D. Grierson*

1 SALLY D. VILLAVERDE, ID NO. 81701  
2 defendant. In Propria Personam  
3 Post Office Box 208, S.D.C.C.  
4 Indian Springs, Nevada 89018

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

9 STATE OF NEVADA  
10 Plaintiff,  
11 vs.  
12  
13 SALLY D. VILLAVERDE  
14 Defendant.

Case No. A-18-780041-W  
83 C191012-2  
Dept. No. X  
Docket \_\_\_\_\_

15  
16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,  
18 SALLY D. VILLAVERDE, in and through his proper person, hereby  
19 appeals to the Supreme Court of Nevada from the ORDER denying and/or  
20 dismissing the

21 PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

22 \_\_\_\_\_  
23 ruled on the 13th day of July, 2022.

24  
25 Dated this 26 day of JULY, 2022.

26 Respectfully Submitted,

27 Sally D. Villaverde # 81701

28  
RECEIVED

AUG 02 2022

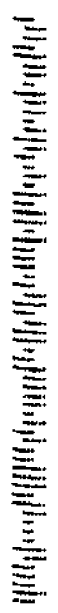
CLERK OF THE COURT

From: Sally D. Willwerdt #41701  
SDCC P.O. Box 208  
Indian Springs, NV 89076

LAS VEGAS NV 890  
27 JUL 2022 PM 4 L

To: Clerk at the Eighth Judicial District  
Court  
200 Lewis Ave, 3rd Floor  
Las Vegas, NV 89155

89101-630000



Southern Desert  
Correctional Center  
JUL 27 2022  
OUTGOING MAIL

*Steven D. Grierson*

SALLY D. VILLAVERDE ID#081701  
Petitioner/In Propria Persona  
Post Office Box 208, SDCC  
Indian Springs, Nevada 89070-0208

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

STATE OF NEVADA

Plaintiff,

vs.

SALLY D. VILLAVERDE

Defendant.

A-18-780041-W

CASE No. 03C191012-2

DEPT.No. X

DESIGNATION OF RECORD ON APPEAL

TO: SALLY D. Villaverde #81701  
SDCC P.O. Box 208  
Indian Springs, NV 89070

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

DATED this 26th day of July, 2022.

RESPECTFULLY SUBMITTED BY:

Sally D. Villaverde #81701

SALLY D. VILLAVERDE # 81701

Plaintiff/In Propria Persona

**CERTIFICATE OF SERVICE BY MAILING**

I, SALLY D. VILLAVERDE, hereby certify, pursuant to NRCP 5(b), that on this 26th day of July, 2022, I mailed a true and correct copy of the foregoing, "NOTICE OF APPEAL"

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

eighth Judicial District Court,  
CLARK County, NV  
200 Lewis Ave 3rd Floor  
Las Vegas, NV 89155

CC:FILE

DATED: this 26th day of July, 2022.

Sally D. Villaverde # 81701  
SALLY D. VILLAVERDE # 81701  
defendant /In Propria Personam  
Post Office Box 208, S.D.C.C.  
Indian Springs, Nevada 89018  
**IN FORMA PAUPERIS:**

AFFIRMATION  
Pursuant to NRS 239B.030

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

NOTICE OF APPEAL  
(Title of Document)

filed in District Court Case number A-18-780041-W / 03CL91012-2

☒ 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.

Sally D. Villaverde #81201  
Signature

7/26/2022  
Date

SALLY D. VILLAVERDE  
Print Name

Defendant  
Title



1 ASTA

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

10 SALLY D. VILLAVERDE,

11 Plaintiff(s),

12 vs.

13 BRIAN WILLIAMS, WARDEN,

14 Defendant(s),  
15

Case No: A-18-780041-W

Dept No: X

16  
17 **CASE APPEAL STATEMENT**  
18

19 1. Appellant(s): Sally D. Villaverde

20 2. Judge: Tierra Jones

21 3. Appellant(s): Sally D. Villaverde

22 Counsel:

23 Sally D. Villaverde #81701  
24 P.O. Box 208  
Indian Springs, NV 89070

25 4. Respondent (s): Brian Williams, Warden

26 Counsel:

27 Steven B. Wolfson, District Attorney  
28 200 Lewis Ave.  
Las Vegas, NV 89155-2212

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

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

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

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

8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: Yes, May 12, 2022

*\*\*Expires 1 year from date filed*

Appellant Filed Application to Proceed in Forma Pauperis: N/A

Date Application(s) filed: N/A

9. Date Commenced in District Court: August 28, 2018

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

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

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 77563, 84026

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 4 day of August 2022.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk

200 Lewis Ave

PO Box 551601

Las Vegas, Nevada 89155-1601

(702) 671-0512

cc: Sally D. Villaverde



*Heather L. Smith*  
CLERK OF THE COURT

SALLY D. VILLAVERDE ID NO. 81701  
SDCC PO Box 208  
Indian Springs, NV 89070

DISTRICT COURT  
CLARK COUNTY, NEVADA

SALLY D. VILLAVERDE  
Petitioner

-VS-

STATE OF NEVADA  
Respondent

CASE NOS A-18-700041-W  
03C191012-2

DEPT NO. X

PETITIONER'S REPLY TO THE STATE'S RESPONSE TO PETITION  
FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) AND  
PETITIONER'S MOTION FOR PRODUCTION OF DOCUMENTS.

Comes Now, Petitioner SALLY D. VILLAVERDE above mention and  
move this Honorable Court to grant above titled Petitioner's reply  
to the State's Response to PETITION FOR WRIT OF HABEAS CORPUS  
(Post-Conviction) And Petitioner's motion for PRODUCTION OF docu-  
ment.

these motions are made and based in all Pleadings, documents  
and memorandum of points and authorities attached herein.

MEMORANDUM OF POINTS AND AUTHORITIES

1. PETITIONER DOESN'T HAVE ANY PENDING APPEAL.

Petitioner is hereby informing that o June 13, 2022 THE NEVADA SUPREME COURT  
issued its ORDER OF AFFIRMANCE AT CASE NO. 84026, and remittitur had been issued  
already. thus this Court have Jurisdiction to Proceed with this case.

1 II- PETITIONER'S FOURTH PETITION IS NOT PROCEDURALLY BAR.

2 Petitioner contend that this Court should reject the state's arguments re-  
3 garding Procedure BAR, First. THE STATE admit That Petitioner's Judgment  
4 of conviction was amended by this Court on June 14, 2021. thus, Where a Petition-  
5 ner's habeas application challenges a New Judgment for the first time, it  
6 is not Second or Successive under 28 U.S.C.S § 2244(b). See MAGWOOD V. Patter-  
7 son 561 U.S 320, 130 Sct 2786, 177 LEd 2d 592, 2010. Wentzell V. Neven, 674 F.3d 1124  
8 (9th Cir. 2012). Gonzalez V. Sherman 873 F.3d 703, 2017 U.S APP Lexis 19891.

9 Petitioner filed his Petition on May 12, 2022. Hence, its well within a year  
10 from the time his Judgment of Conviction was "Amended." and the reason  
11 why his Judgment of Conviction (JOC) was amended. because, Previous JOC  
12 was invalid. Per NRS 176.055, Petitioner's Previous JOC did not reflected  
13 his Jail Time Credit, because was improperly denied by the Sentencing Judge.  
14 See (Sentencing hearing held on June 3, 2004). the above Violation was never  
15 a Scrivener error, See (Supreme Court order of Affirmance at Case NO. 84026).

16 THE STATE indicate there is no legal basis for running the one-year time  
17 limit from the filing of the Amended Judgment of Conviction. and based its  
18 analysis, in Johnson V. State and Whitehead V. State (at Pg 9 Line 6-13). However,  
19 the above argument is Contradicted by the state own admission that under  
20 NRS 177.015 (3) "an amended Judgment of Conviction is Substantively appeal-  
21 able". (at Pg 9 Line 19).

22 then concluded that, "the appeal is limited only to issues arising from the  
23 amendment". based its argument on Witter V. State, 135 Nev. 412, 416-17 452 P.3d 406,  
24 410 (2019).

25 Petitioner contend, that the state's reliance on the above case is improper and is Contra-  
26 ry to Previous Federal Case Law, whereas, the U.S Supreme Court and the Ninth Circuit  
27 Court of appeals had previously held that, "the basic holding of MAGWOOD" must  
28 extend to cases in which the numerically second petition challenged undisturbed

1 parts of the judgment because Magwood requires courts to "interpret successive  
2 applications with respect to the judgment challenged and not with respect  
3 to particular components of that judgment." *Id.* (emphasis added) (quoting Johnson  
4 v. United States, 623 F.3d 41, 46 (2d Cir. 2010)). although in some cases this would allow  
5 petitioners a number of opportunities to raise the same claims in various federal  
6 petitions, this court recognized that this result was consistent with Magwood, in  
7 which "the Supreme Court rejected a 'one opportunity' rule," *id.* thus, as long as there  
8 has been a "new intervening judgment," a prisoner's subsequent petition cannot  
9 be second or successive. See *MAGWOOD v. PATTERSON* 561 US 320, 130 S.Ct. 2788, 177 LEd  
10 2d 592, 2010. *Wentzell v. Neven*, 679 F.3d 1124 (9th Cir. 2012), *Gonzalez v. Sherman*, 2017  
11 U.S. App. Lexis 27068 (9th Cir. Cal. Dec. 29, 2017), *TURNER v. BAKER* 912 F.3d 1236, 2019 U.S. App  
12 Lexis 1289, *MORALES v. SHERMAN* 949 F.3d 474, 2020 U.S. App. Lexis 2732.

13 this court can see, that petitioner's case is supported by U.S. Supreme Court's ruling  
14 and federal case law. Hence the state's reliance in Witter is overruled by federal  
15 law and precedents. THE SUPREME COURT OF NEVADA CAPRICIOUSLY and IMPROPERLY REFUSE  
16 to recognize, that "the phrase second or successive must be interpreted with respect  
17 to the judgment challenged. thus, where there is a new judgment intervening  
18 between the two habeas petitions the petition challenging the resulting new  
19 judgment is not second or successive at all. MAGWOOD SUPRA, in fact the Supreme  
20 Court of Nevada Overlooked, a court's recalculation and alteration of the number  
21 of time-served or other similar credits awarded to a petitioner constitutes a  
22 new judgment. The U.S. Supreme Court has directed that "the sentence is the judgment"  
23 in a criminal case. *Burton v. Stewart*, 549 U.S. 147, 156, 127 S.Ct. 793, 166 L.Ed. 2d 628  
24 (2007) *Berman v. United States*, 302 U.S. 211, 212, 58 S.Ct. 164, 82 L.Ed. 204 (1937). As such  
25 a change to a defendant's sentence is a change to his judgment. under Nevada  
26 law Credits are part of that sentence and a court's alteration of the number of  
27 credits awarded to a defendant changes both the duration and legality of his  
28 sentence. Because the relevant sentence under Magwood is the one "pursuant"

1 To which an individual is held "in custody," Such an alteration Constitutes a new,  
2 intervening Judgment. See Gonzales V. Sherman 2017 U.S APP. Lexis 27668 (9th Cir,  
3 Cal. Dec 29, 2017).

4 Petitioner's Sentencing Judge Committed error by denying Credit for time Served. Per  
5 NRS 176.105, "All credits may be reflected in defendant's Judgment of Conviction",  
6 thus, this Court amended Judgment awarding Petitioner Credit for time Served "re-  
7 moves an invalid basis for incarcerating the defendant and Provides a New and  
8 Valid intervening Judgment to which "the defendant is held in Custody." Also See,  
9 TURNER V. BAKER 912 F.3d 1236, 2019.

10 therefore, for all above reasons Petitioner's Petition for writ of habeas Corpus (Post-  
11 conviction) Should be treated as his first Petition Challenging is new Amended Jud-  
12 gment, nor Procedurally barred, nor Successive, aren't Waived for failure to raise  
13 in direct appeal of Previous Post-convictions Habeas.

14 III Petitioner's Substantial Claims are not barred by the Law of the Case AND RES-  
15 Judicata Doctrines.

16 This Court Now, Can See from the record. that Petitioner's Claims in his Fourth  
17 Habeas Corpus had never been litigated. this is the first time Petitioner is cha-  
18 llenging issues regarding the Fact his due Process was violated by the trial Judge  
19 carrying out Sentencing instead of his Jury, as mandated Per NRS 175.552,  
20 and the Second Claim, is a Challenge to the Language of the various theories  
21 of murder as outlined in NRS 200.030 the statute is ambiguous and lends itself  
22 to two or more reasonable interpretations. Whereas, also Petitioner's record reflected  
23 a Concession made by the state which Warrant scrutiny of Petitioner's Conviction  
24 and Sentences. these Substantial Claims are raise for the First time.

25 3a- THE DISTRICT DID ERR BY DISMISSING THE JURY DURING THE PENALTY PHASE

26 THE State allege, that Petitioner's Claim is belied by the record. because on the first  
27 day of the Jury trial, "defense Counsel" Placed on the record that the Parties stipula-  
28 ted to waiving the Penalty hearing and that Sentencing would be up to the Court, (at

1 Pg 19 Line 7-11). However, The state seem to overlook that Pursuant to NRS 175.552  
2 "In Case in which the death Penalty is not Sought the Parties may by stipulation  
3 waive the separate Penalty hearing required in Subsection 1. When stipulating  
4 to such a waiver The Parties may also include an agreement to have the sentence  
5 if any imposed by the trial Judge, any stipulation Pursuant to this Subsection  
6 must be in writing and Signed by the defendant his attorney if any and the  
7 Prosecuting attorney"

8 Petitioner Contend, that the state have not Provided this Court with any evidence on  
9 record, that, the Waiver occurred under the Provisions of the Above NRS 175.552,  
10 nor documentation on record, nor Signed written agreement by Petitioner showing  
11 any stipulation to waive the separate Penalty hearing. thus, Counsel's Verbal  
12 stipulation do not Validate a waiver to a separate Penalty hearing. hence, the  
13 State's Argument is belied by the record.

14 The state Claimed, that Petitioner was not forcibly transported from ELI state  
15 Prison, this argument is also belied by evidence on record. for example, Petitioner  
16 after Conviction and Sentences received a letter from trial Counsel dated June 4,  
17 2004. explaining an offer made of "One Ten Year to Life Sentence", in exchange  
18 for "Cooperation" with the Prosecution to testify against both Co-defendants  
19 See. Exh. A attach to Petitioner's brief. Again, Trial Counsel replied in a letter  
20 dated June 14, 2004. the following: "I received your undated letter on the above  
21 date indicating that you "are not interested in taking an offer of 10 to Life in  
22 this Case." See Exh. A, again, Petitioner received a Correspondence from MR. Randall  
23 H. Pike trial Counsel dated November 18, 2004. informing again of the offer made  
24 by the Prosecution which Petitioner again rejected see. also Exh. A (at Petitioner's  
25 letter dated December 12 2004). at this time neither Roberto Castro / Rene Gato  
26 Petitioner's Co-defendants were tried or Convicted.

27 The state's based its arguments in the Court minutes attached to Petitioner's  
28 Exhibits. Whereas the Court minutes doesn't provide fully detailed information of

1 the hearing held on that date. Petitioner's letters attached as exhibits at his  
2 brief proved that multiple times he rejected the offer made by the Prosecution  
3 post-trial and Sentences. thus, he was forcibly removed from The state maximum  
4 Security as last resort by the state to procure a Shady Conviction against Co-de-  
5 fendant René Bato. Hence, the Prosecution opted to offer a lesser offense deal  
6 to Roberto Castro for Lack of evidences See, recorded transcripts dated February 07,  
7 2005.

8 IV. THIS COURT SHOULD GRANT PETITIONER'S MOTION FOR PRODUCTION OF DOCU-  
9 MENTS.

10 Petitioner allege, that there is certain Contentions made by the state which  
11 aren't supported or Corroborated by any documentation on the record. example,  
12 a-) THE STATE contends, THAT TRIAL COUNSEL and Petitioner waived the second phase  
13 of the trial "Sentencing by a jury." However, the state do not Presented any  
14 evidence that such stipulation was Legally and officially documented in Writing  
15 as required by state LAW at NRS 175.552.

16 b-) THE STATE contend that Petitioner's "Court minutes" shown that he was not  
17 forcibly removed from Ely state maximum Security. However, the STATE failed to  
18 provide this Court with the recorded Transcripts of the hearing to make a better  
19 Assessment of dialogues held between Petitioner and the Prosecution.  
20 therefore, Petitioner humbly request this honorable Court to Compel the state to  
21 produce documents above mentioned, as PROOF of the STATE'S arguments in their  
22 Response to Petitioner's writ of Habeas Corpus (Post-Conviction).

23 V. PETITIONER'S SENTENCE FOR FIRST DEGREE MURDER SHOULD BE MODIFIED.

24 THE STATE infer that\* Petitioner argues that because his Co-defendant, Castro, enter-  
25 ed a guilty Plea agreement for Voluntary manslaughter, Petitioner's first degree  
26 murder cannot stand as the state\* admitted Roberto Castro was the one whom  
27 committed the homicide. at Response (Pg 20 Line 14-17).

28 Petitioner Contend that the state's inferences is nothing but an attempt to mis-

1 ~~lead~~ this court, into think Petitioner is Challenging Codefendant's Roberto CASTRO's Plea  
2 agreement, and this is far from the truth. Petitioner simply challenge the state's  
3 admissions made in the factual basis of the amended information, filed post-trial and  
4 Sentencing. Which indicated in Part, that Roberto CASTRO "Committed Voluntary manslaughter  
5 ter to-wit (in the heat of passion), without malice and deliberation, Killed ENRIQUE  
6 CAMINERO by "MANUAL STRANGULATION"; See (Amended information at Pg 7b Petitioner's  
7 Brief). these factual basis on record Confirmed Petitioner was Convicted and Sentenced  
8 on untrue assumption of facts. See Campbell v. District Court. 14 Nev. 410, 457 P.2d 1141, 1142 (1998)  
9 (District Court have inherent authority to modify suspend or otherwise Correct Sentences  
10 based upon materially untrue assumptions or mistakes which work to the extreme detri-  
11 ment of defendant.  
12 more importantly, ~~is~~ the fact that an Amended information Supersedes Previous informa-  
13 tion in the Charging document, Whereas all three defendants were charged together with  
14 first degree Murder, and Now the record asserted a New set of facts indicating that  
15 all three defendants participated or Aided / abetted each other in the Commission of  
16 the Lesser Offense of "Voluntary Manslaughter", and it's essentially Contradictive, given  
17 the fact that Petitioner's Convictions / sentences resulted from the felony murder instru-  
18 cions Provided by the state at his trial. therefore if the state Position changed after  
19 Petitioner's trial / Sentencing Conceding that CASTRO's homicide was neither "negligent  
20 nor Accidental", then by operation of State / Federal Law Petitioner's Conviction / senten-  
21 ces under the Felony murder Statute. is inapplicable, because, Voluntary Manslaughter  
22 cannot upgrade The Crime to Felony murder. Without The mens Rea essential to impute  
23 Malice to the Killing. See NRS 200,030.  
24 this court Should not cast a blind eye to significant facts on record, specifically, in this  
25 case. Whereas, evidences at Petitioner's trial indicated he attempted to Save the victim's  
26 Life by mouth-to-mouth resuscitation". See (Pg 5 Line 17-19 at STATE's Response). after CASTRO  
27 strangled Caminero. Also see (Pg 6 Line 4). Hence, it's egregiously unfair to Petitioner  
28 Villaverde to remain Convicted and Sentenced of murder in the first degree when

1 the STATE conceded and asserted was committed by Roberto Castro "while in the  
2 heat of passion," simply it doesn't make any sense, and it's a clear violation of  
3 VILLAVARDE'S fundamental rights of due process of law and equal protection  
4 established in the fifth and fourteenth amendment of the U.S. Constitution.

5 Conclusion.

6 WHEREFORE, for the reasons stated above reasons Petitioner Pray this honorable Court  
7 for relief and grant his habeas Corpus (Post-Conviction) and Commute his Sentences  
8 as justice so require.

9 dated: this 4th day of July, 2022

Respectfully Submitted

Sally D. Villaverde #81701

SALLY D. VILLAVARDE #81701  
Petitioner Acting Pro.se

12 CERTIFICATE OF SERVICE BY MAILING

13 I. SALLY D. VILLAVARDE, hereby certify, Pursuant to NRC 5CB, that on this 4th day of  
14 July, 2022, I mailed a true and correct copy of the foregoing, "PETITIONER'S REPLY TO  
15 THE STATE'S RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) AND PETI-  
16 TIONER'S MOTION FOR PRODUCTION OF DOCUMENTS.

17 BY placing document in a sealed pre-postage paid envelope and deposited said envelo-  
18 pe in the United state Mail addressed to the following:

19 District Attorney Office  
20 200 Lewis Ave  
21 LAS Vegas, NV 89155

22 dated: this 4th day of July, 2022

Sally D. Villaverde #81701

SALLY D. VILLAVARDE #81701  
PETITIONER P in Proper



From: SALIN D. WILLAMERDE # 81701  
SOCC P.O. Box 206  
Indian Spring, NV 89070

98101-630000

RECEIVED

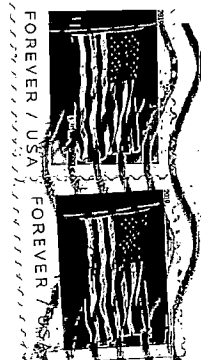
JUL 11 2022

CLERK OF THE COURT

LAS VEGAS NV 890  
6 JUL 2022 PM 4 L

TO: Clerk of the Court, Eighth Judicial  
District Court  
200 Lewis Ave, 3rd Floor  
Las Vegas, NV 89070

OUTGOING MAIL  
JUL 06 2022  
Southern Desert  
Correctional Center



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**November 01, 2018**

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A-18-780041-W      Sally Villaverde, Plaintiff(s)  
vs.  
Brian Williams Warden, Defendant(s)

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**November 01, 2018      9:00 AM      All Pending Motions**

**HEARD BY:** Herndon, Douglas W.      **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Kory Schlitz

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- PETITION FOR WRIT OF HABEAS... MOTION FOR APPOINTMENT OF ATTORNEY...

Deputy District Attorney Dena Rinetta present on behalf of the State.

Defendant not present and in custody with the Nevada Department of Corrections. COURT reviewed the history of the case, and ADVISED, based upon the pleadings and without argument, stated the Petition is TIME BARRED, and is a successive Writ, adding there is nothing in the second Petition that was not available to be raised in the first Petition, and there is no attempt to show why there is good cause in why there was a delay in filing the Petition, and ORDERED Petition DENIED. Court directed the State to file a Findings of Fact and Conclusions of Law.

NDC

CLERK'S NOTE: A copy of this Minute Order has been mailed to: Sally Villaverde #008170, HDSP, PO BOX 650, Indian Springs, Nevada 89070. (11-13-18 ks)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**November 27, 2018**

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A-18-780041-W      Sally Villaverde, Plaintiff(s)  
vs.  
Brian Williams Warden, Defendant(s)

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**November 27, 2018      9:00 AM      Motion      Notice of Motion**

**HEARD BY:** Herndon, Douglas W.      **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Kory Schlitz

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Deputy District Attorney Brianna Lamanna present on behalf of State.

Defendant not present and in custody with the Nevada Department of Corrections. COURT ADVISED, there are no pending motions and the Defendant's Petition was denied on November 1, 2018 and ORDERED matter OFF CALENDAR.

NDC

CLERK'S NOTE: A copy of this Minute Order has been mailed to Sally Villaverde #81701, PO BOX 650, Indian Springs, Nevada 89070. (11-28-18 ks)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**January 08, 2019**

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A-18-780041-W      Sally Villaverde, Plaintiff(s)  
vs.  
Brian Williams Warden, Defendant(s)

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**January 08, 2019      9:00 AM      All Pending Motions**

**HEARD BY:** Herndon, Douglas W.      **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Kory Schlitz

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION FOR TRANSCRIPTS AT STATES EXPENSE... NOTICE OF MOTION...  
NOTICE OF MOTION..

Deputy District Attorney Dena Rinetti present on behalf of State.

COURT ADVISED the matter was previously dealt with regarding the request for transcripts which was DENIED, adding there is no basis that would warrant reconsideration and ORDERED MOTIONS DENIED. COURT FURTHER ADVISED, the Defendant stated the previous Motion should be granted for the States untimely Opposition, however, it was filed in the appropriate time.

NDC

CLERK'S NOTE: A copy of this Minute Order has been mailed to Sally Villaverde #81701, PO BOX 650, Indian Springs, Nevada 89070. (1/8/19 ks)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**December 06, 2021**

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A-18-780041-W      Sally Villaverde, Plaintiff(s)  
vs.  
Brian Williams Warden, Defendant(s)

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**December 06, 2021      8:30 AM      All Pending Motions**

**HEARD BY:** Jones, Tierra      **COURTROOM:** RJC Courtroom 14B

**COURT CLERK:** Michaela Tapia

**RECORDER:** Victoria Boyd

**REPORTER:**

**PARTIES**

**PRESENT:** Goodman, Laura      Attorney

**JOURNAL ENTRIES**

- PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL ... PETITION FOR WRIT OF HABEAS CORPUS

COURT ORDERED, motion DENIED. FURTHER, based on the State's opposition, COURT ORDERED, petition DENIED. State to prepare the order with the Findings of Fact and Conclusions of Law.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**July 13, 2022**

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A-18-780041-W      Sally Villaverde, Plaintiff(s)  
vs.  
Brian Williams Warden, Defendant(s)

---

**July 13, 2022      8:30 AM      All Pending Motions**

**HEARD BY:** Jones, Tierra      **COURTROOM:** RJC Courtroom 14B

**COURT CLERK:** Teri Berkshire

**RECORDER:** Victoria Boyd

**REPORTER:**

**PARTIES**

**PRESENT:** Thoman, Charles W.      Attorney

**JOURNAL ENTRIES**

- Ms. Villaverde not present and in the Nevada Department of Corrections.

PETITION FOR WRIT OF HABEAS CORPUS...PLAINTIFF'S MOTION TO APPOINT COUNSEL

Court noted the Supreme Court issued an order of affirmance on the Court's previous order. COURT ORDERED, Petition DENIED, as it is procedurally barred as it is the fourth petition. FURTHER COURT ORDERED, Plaintiff's Motion to Appoint Counsel, DENIED as MOOT. State to prepare Findings of Fact and Conclusions of Law consistent with their opposition.

NDC

Clerk's Note: A copy of this minute order mailed to SALLY VILLAVERDE, I.D. # 81701  
S.D.C.C.POX 208 INDIAN SPRINGS, NV 89070 /tb

PRINT DATE: 08/19/2022

Page 5 of 6

Minutes Date: November 01, 2018



# Certification of Copy and Transmittal of Record

State of Nevada }  
County of Clark } SS:

Pursuant to the Supreme Court order dated August 9, 2022, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises three volumes with pages numbered 1 through 511.

SALLY D. VILLAVERDE,

Plaintiff(s),

vs.

BRIAN WILLIAMS, WARDEN,

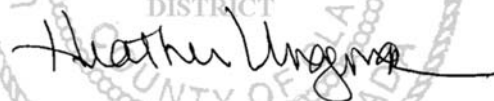
Defendant(s),

Case No: A-18-780041-W  
Related Case 03C191012-2  
Dept. No: X

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 19 day of August 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk