

1
2
3 IN THE SUPREME COURT OF THE STATE OF NEVADA

4
5 MICHAEL L. COTA,

6 Appellant,

7 vs.

8 THE STATE OF NEVADA,

9 Respondent,
10 _____/

Electronically Filed
Jan 26 2022 08:45 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 2018-CR-00084
2018-CR-00084BD

11
12 RECORD ON APPEAL

13 VOLUME 4

14 COPIES OF ORIGINAL PLEADINGS
15 PAGES 492-609

16 MICHAEL L. COTA
17 INMATE #1206075
18 ELY STATE PRISON
19 P.O. BOX 1989
ELY, NEVADA 89301

20 IN PROPER PERSON

21 THE STATE OF NEVADA

22 DOUGLAS COUNTY DISTRICT ATTORNEY
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1 John E. Malone, Esq.
2 State Bar No. 5706
209 N. Pratt Ave.
3 Carson City, NV 89701
(775) 461-0254

RECEIVED

FEB 13 2019

Douglas County
District Court Clerk

FILED

2019 FEB 13 AM 11:02

BESSIE R. WILLIAMS
CLERK
DEPUTY

4
5 **IN THE NINTH JUDICIAL DISTRICT COURT**
6 **IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA**

7 STATE OF NEVADA,

8 Plaintiff,

9 vs.

CASE NO. 18-CR-0084

10 MICHAEL LUIS COTA,

DEPT NO. II

11 Defendant.

12 **MOTION FOR COURT APPOINTED FEES**
WITH AFFIDAVIT IN SUPPORT THEREOF

13 COMES NOW, John E. Malone, Esq., having been appointed as counsel to represent
14 Defendant, MICHAEL LUIS COTA, in the above-entitled matter and moves this Honorable Court
15 for an Order for Payment of Appointed Counsel, pursuant to NRS 7.125.

16 This motion is made and based upon the pleadings and papers on file herein and the
17 affidavit attached hereto.

18 DATED this 7th day of February, 2019.

19
20 **JOHN E. MALONE, ESQ.**
State Bar No. 5706
209 N. Pratt Ave.
21 Carson City, NV 89701
22 (775) 461-0254
23
24

AFFIDAVIT

STATE OF NEVADA)

Carson City)
:ss

John E. Malone, being first duly sworn, under penalty of perjury, hereby deposes and says:

1. That affiant is an attorney licensed to practice law in the State of Nevada;

2. That affiant was appointed as counsel to represent Defendant, Michael Luis Cota, in the above-entitled matter;

3. That affiant rendered the following services at the statutory rate of \$100.00 per hour for in court or out of court services:

<u>Date</u>	<u>Hours</u>	<u>Description</u>
09/14/18	0.25	Review correspondence with client.
10/08/18	5.00	Prepare for and appear at sentencing hearing, travel (31 miles).
10/08/18	1.50	Meet with client at Douglas County Jail.
10/31/18	2.50	Prepare, review and file Notice of Appeal and supporting documents.
HOURS	9.25 hours @ \$100/hour	\$925.00
MILEAGE	31 miles @ 54.5/mile	\$ 16.90
TOTAL	\$941.90	

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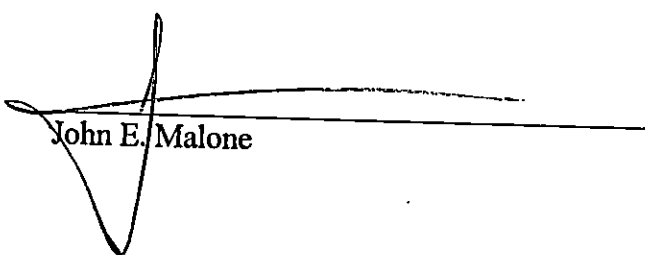
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4. That to the best of affiant's knowledge, the items set forth above are correct and have been necessarily incurred in these proceedings;

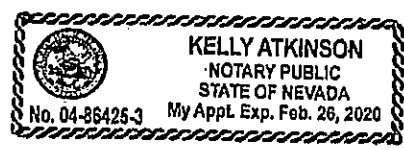
5. That affiant has not been paid from any other source for the time and costs summarized herein.

Further affiant sayeth not.


John E. Malone

Subscribed and Sworn to before me
this 14 day of February, 2019.


Notary Public



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FEB 13 2019

FILED

John E. Malone, Esq.
State Bar No. 5706
209 N. Pratt Ave.
Carson City, NV 89701
(775) 461-0254

Douglas County
District Court Clerk

2019 FEB 15 AM 11:40

BOBBIE R. WILLIAMS
CLERK
DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

CASE NO. 18-CR-0084

MICHAEL LUIS COTA,

DEPT NO. II

Defendant.

ORDER FOR PAYMENT OF ATTORNEY FEES

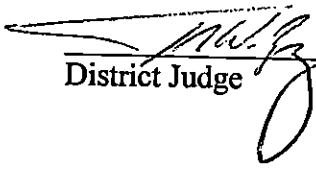
Having reviewed and considered the billing statement submitted *ex parte* by John E. Malone, appointed counsel for Defendant, Michael Luis Cota, and good cause appearing, the court hereby orders payment of \$ 941.⁹⁰ to:

John E. Malone
209 N. Pratt Ave.
Carson City, NV 89701

for services rendered for Sept/Oct 2018.

IT IS SO ORDERED:

DATED this 15th day of February, 2019.


District Judge

RECEIVED

SEP 17 2019

FILED

JOHN E. MALONE
State Bar No. 5706
209 N. Pratt Ave.
Carson City, Nevada 89701
(775) 830-2307
jmalonelaw@gmail.com

Douglas County
District Court Clerk

2019 SEP 17 PM 4:26

BOBBIE R. WILLIAMS
CLERK

BY *[Signature]* DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

STATE OF NEVADA,
Plaintiff,

vs.

MICHAEL LUIS COTA,
Defendant.

Case Nos. 18-CR-0084
18-CR-0116

EX PARTE INVOICE
AND REQUEST FOR
PAYMENT

John E. Malone, appointed counsel for Michael Cota, hereby submits the attached billing statement and invoice for services rendered in the Nevada Supreme Court in consolidated direct appeals from two judgments of conviction. I affirm that this document does not contain the social security number of any person. NRS 239B.030.

DATED: 9-9-19

John E. Malone
209 N. Pratt Ave.
Carson City, Nevada 89701
(775) 830-2307
Attorney for Michael Cota

1 Michael Cota was convicted in separate proceedings of larceny and battery by a prisoner
2 pursuant to guilty pleas. He appealed the convictions based on the State's use of his juvenile
3 records at sentencing. The following charges have been incurred in the preparation of the
4 appeals.

6 **BILLING STATEMENT**

7	11/1/18	review files for appeal, confirm with client re: issues, procedure	1.5
8	11/5/18	prepare notice of appeal, case appeal statement, request for transcripts	1.5
9	11/6/18	file appeal documents	.5
10	12/5/18	motion for extension to file docketing statement; prepare docketing statement	1.5
11	1/7/19	begin review and research of files for appeal	3.0
12	1/8/19	begin outline of brief	2.5
13	1/28/19	follow up re: transcripts	.5
14	2/28/19	follow-up re: transcripts	.5
15	3/12/19	motion to consolidate and for extension for filing brief	1.0
16	3/13/19	review order granting consolidation and extension	.25
17	3/15/19	continue research re: juvenile records, NRS chapter 62	4.5
18	3/16/19	outline brief, begin outlining arguments	4.0
19	3/17/19	continue drafting brief; prepare appendix	3.5
20	5/13/19	motion for extension of time (unexpected appearances)	.5
21	5/26/19	research re: sealing of records, draft brief	2.5
22	5/27/19	motion for extension of time (sealed documents needed)	.5

1	5/28/19	research re: SRCR, draft motions for transfer of sealed documents, PSIs	2.0
2			
3	5/29	edits to brief, supplemental research	3.0
4	5/30	revisions and final editing	6.0
5	6/2/19	finalize brief	6.0
6	6/4/19	file brief and appendix; prepare motion to seal appendix, motion to transmit PSI, motion to transmit sealed docs	2.5
7			
8	6/27/19	per SCt order revised motion to seal, motion to transmit, file revised appendix	2.0
9			

10	HOURS	50.0	\$5,000.00
11	TOTAL		\$5,000.00
12			

13 Respectfully submitted:

14 DATED: 8-9-19

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John E. Malone
209 N. Pratt Ave.
Carson City, Nevada 89701
(775) 830-2307
Attorney for Michael Cota

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OCT - 4 2019

Douglas County
District Court Clerk

FILED

2019 OCT -4 AM 11:38

BOBBIE R. WILLIAMS
CLERK

BY mbra DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT

DOUGLAS COUNTY, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

MICHAEL LUIS COTA,

Defendant.

) Case No. 18-CR-0084 ✓

) Case No. 18-CR-0116

) ORDER FOR PAYMENT

Having reviewed and considered the billing statement submitted ex parte by John E. Malone, appointed counsel for defendant Michael Luis Cota, and good cause appearing, payment of \$5,000.00 is hereby ordered made to:

John E. Malone
209 N. Pratt Ave.
Carson City, Nevada 89701

IT IS SO ORDERED.

DATED: October 4, 2019

By: MBR

District Judge

RECEIVED

OCT 18 2019

FILED ¹⁰ Oct. 9th 2019

Douglas County
District Court Clerk

2019 OCT 18 PM 2:40

ATTN: DISTRICT COURT CLERK

DOBBIE R. WILLIAMS
CLERK

IN REFERENCE TO MY ^{WOLAN} JUDGEMENT ^{OF} CONVICTION'
IN CASE NO. 18-CR-0084 II

MY APPOINTED COUNSEL JOHN MALONE WAS NOT
PREPARING MY DIRECT APPEAL IN A TIMELY OR
EFFICIENT MANNER SO I DECIDED TO DRAFT
AND FILE A MOTION/LETTER OF TERMINATION TO
ATTORNEY OF RECORD AND ALSO A DIRECT APPEAL.

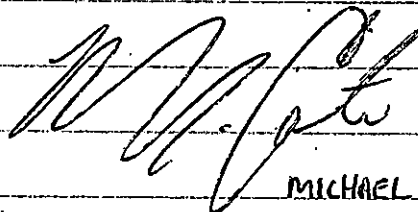
RECENTLY - IN AUGUST OF 2019 - DUE TO NEGLIGENT
ACTIONS AND INCIDENTS, MY LEGAL DOCUMENTS WERE
SUBSEQUENTLY LOST/MISPLACED.

AS A RESULT I AM CURRENTLY WORKING THRU
THE INSTITUTIONAL GRIEVANCE PROCESS TO GET THIS
MATTER RESOLVED.

I DO NOT WANT MY CASE/APPEAL/GROUNDS TO
BECOME MOOT OR VOID DUE TO TIME LIMITATIONS.

I AM WRITING TO FIND OUT WHAT TIME LIMITS,
CONSTRAINTS OR RESTRICTIONS APPLY TO MY APPEAL.

THANK YOU FOR YOUR TIME.



MICHAEL COTA #1206075

ELY STATE PRISON
P.O. BOX 1989
ELY, NV 89301
500

AFFIRMATION PURSUANT TO NRS 239B.030

I, MICHAEL COTA, NDOC# 1206075,

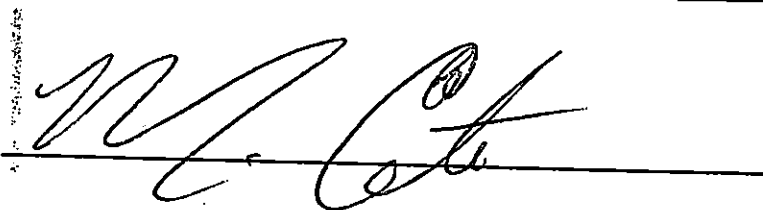
CERTIFY THAT I AM THE UNDERSIGNED INDIVIDUAL AND THAT THE
ATTACHED DOCUMENT ENTITLED _____

LETTER OF INQUIRY re: DIRECT APPEAL

DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER OF ANY
PERSONS, UNDER THE PAINS AND PENALTIES OF PERJURY.

DATED THIS 9TH DAY OF OCTOBER, 20 19.

SIGNATURE:



INMATE PRINTED NAME: MICHAEL COTA

INMATE NDOC # 1206075

INMATE ADDRESS: ELY STATE PRISON
P. O. BOX 1989
ELY, NV 89301

DECLARATION PURSUANT TO: N.R.S. 208.165

I, MICHAEL COSTA, OF INMATE IDENTIFICATION
NUMBER: 1206075, AM A LAWFULLY
COMMITTED PRISONER OF THE NEVADA DEPARTMENT OF
CORRECTIONS, PRESENTLY IN THE LAWFUL CARE AND
CUSTODY OF ELY STATE PRISON, LOCATED AT: 12000 NORTH
BOTHWICK ROAD, (MAILING) P.O. BOX 1989, IN CITY OF: ELY,
COUNTY: WHITE PINE, STATE: NEVADA, 89301. DOES AFFIRM
THAT THE ATTACHED DOCUMENT
ENTITLED: LETTER OF INQUIRY RE: DIRECT APPEAL,
IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE &
BELIEF, AND ANY FALSE STATEMENT OF MATERIAL FACT
MADE THERE IN SHALL BE SUBJECTED TO THE PAINS AND
PENALTIES OF PERJURY PURSUANT TO: N.R.S. 208.165,
THIS, 9, DAY OF: OCTOBER, 2019.

INMATE SIGNATURE: 

INMATE NAME (PRINTED): MICHAEL COSTA #1206075

ADDRESS: ELY STATE PRISON

P.O. BOX 1989, ELY, NEVADA 89301

RECEIVED

NOV 19 2019

FILED

1 Case No. 18-CR-0084

2 Dept. No. II

Douglas County
District Court Clerk

2019 NOV 19 PM 2:40

BOBBIE R. WILLIAMS
CLERK

BY W. J. GREGORY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF DOUGLAS

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

ORDER DENYING MOTION

12 MICHAEL LUIS COTA,

13 Defendant.

14 _____/

15 Defendant submitted a letter dated October 9, 2019 to the
16 District Court Clerk requesting legal advice. A clerk filed the
17 document on October 9, 2019 as a motion. The letter does not
18 appear to have been served on the State or on Defendant's counsel.
19 The case is pending appeal. Neither the Court nor the Court Clerk
20 may give Defendant legal advice. The letter is not a valid motion
21 and should not have been filed as such or presented to the Court.

22 Good cause appearing,

23 ///

24 ///

25 ///

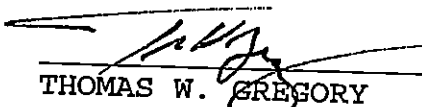
26 ///

27 ///

28 ///

1 IT IS HEREBY ORDERED that Defendant's letter/motion is
2 DENIED.¹

3 DATED this 19th day of November, 2019.
4

5
6 
THOMAS W. GREGORY
DISTRICT JUDGE
7
8
9

10 Copies served by hand delivery/mail on December 19th, 2019,
11 addressed to:

12 Douglas County District Attorney's Office (Hand Delivery)
13 P.O. Box 218
Minden, Nevada 89423

14 John Malone, Esq. (Mail)
15 209 N. Pratt Avenue
16 Carson City, Nevada 89701
17

18 
Erin C. Plante
19
20
21
22
23
24
25
26
27
28

¹ A copy of Defendant's letter shall be served on Defendant's counsel along with a copy of the Order Denying Motion.

RECEIVED

DEC 16 2019

Douglas County
District Court Clerk

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

2019 DEC 16 AM 10:39

MICHAEL LUIS COTA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

BOBBIE W. WILLIAMS
CLERK

BY: ANNE M. DEPUTY

Supreme Court No. 77414
District Court Case No. 18-CR-0116

MICHAEL LUIS COTA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 77415
District Court Case No. 18-CR-0084

NOTICE OF TRANSFER TO COURT OF APPEALS

Pursuant to NRAP 17(b), the Supreme Court has decided to transfer this matter to the Court of Appeals. Accordingly, any filings in this matter from this date forward shall be entitled "In the Court of Appeals of the State of Nevada." NRAP 17(e).

DATE: December 12, 2019

Elizabeth A. Brown, Clerk of Court

By: Sandy Young
Deputy Clerk

Notification List

Electronic

Douglas County District Attorney/Minden \ Mark B. Jackson, District Attorney
Douglas County District Attorney/Minden \ Matthew S. Johnson
John E. Malone

Paper

Hon. Thomas W. Gregory, District Judge
Bobbie W. Williams, Douglas County Clerk

19-50483

505

RECEIVED

MAR 19 2020

Douglas County
District Court Clerk

FILED
OFFICE OF THE CLERK

2020 MAR 19 PM 12:06

MICHAEL LUIS COTA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

BOBBIE R. WILLIAMS
CLERK

Court of Appeals No. 77414-COA
District Court Case No. 18-CR-0116

BY LINDSEY LUPENUI DEPUTY

MICHAEL LUIS COTA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Court of Appeals No. 77415-COA
District Court Case No. 18-CR-0084

NOTICE OF JUDGE DISQUALIFICATION

TO: Hon. Thomas W. Gregory, District Judge
John E. Malone
Douglas County District Attorney/Minden \ Mark B. Jackson, District Attorney,
Matthew S. Johnson
Bobbie W. Williams, Douglas County Clerk

You are hereby notified that The Honorable Michael P. Gibbons, Chief Judge, has voluntarily recused him/herself from participation in this matter.

DATE: March 18, 2020

Elizabeth A. Brown, Clerk of Court

By: Lindsey Lupenui
Chief Deputy Clerk

Notification List

Electronic

John E. Malone

Douglas County District Attorney/Minden \ Mark B. Jackson, District Attorney

Douglas County District Attorney/Minden \ Matthew S. Johnson

Paper

Hon. Thomas W. Gregory, District Judge

Bobbie W. Williams, Douglas County Clerk

20-10587

506

RECEIVED

MAR 20 2020

Douglas County
District Court Clerk

FILED

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BOBBIE R. WILLIAMS
CLERK

BY ANCM DEPUTY

No. 77414-COA

MICHAEL LUIS COTA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

MICHAEL LUIS COTA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77415-COA

FILED

MAR 19 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

ORDER OF AFFIRMANCE

These are Michael Luis Cota's consolidated appeals from two judgments of conviction. Cota was convicted pursuant to guilty pleas of battery by a prisoner in custody in district court case number 18-CR-0116 (Docket No. 77414-COA) and principal to grand larceny of a firearm in district court case number 18-CR-0084 (Docket No. 77415-COA). Ninth Judicial District Court, Douglas County; Thomas W. Gregory, Judge.

Cota claims the district court abused its discretion by admitting and considering his juvenile record at sentencing for both of his cases. He argues the State violated the law governing the confidentiality of juvenile records by obtaining his juvenile record without a juvenile court order. And

he asserts his juvenile record consists of impalpable and highly suspect information.


We review a district court's sentencing decision for abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). The district court may "consider a wide, largely unlimited variety of information to insure that the punishment fits not only the crime, but also the individual defendant." *Martinez v. State*, 114 Nev. 735, 738, 961 P.2d 143, 145 (1998); see also NRS 176.015(6). This includes a defendant's juvenile record, see *Thomas v. State*, 88 Nev. 382, 385, 498 P.2d 1314, 1316 (1972), see also NRS 62H.030(3)(b); NRS 62H.170(3), and even hearsay, see NRS 47.020(3)(c). However, we "will reverse a sentence if it is supported solely by impalpable and highly suspect evidence." *Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996).

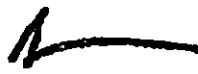
Prior to sentencing, the district court made specific findings that the State's exhibits could lawfully be disseminated to a court for sentencing purposes, they were relevant to the court's sentencing determination, they were not unfairly prejudicial, and they did not contain impalpable or highly suspect information. And during sentencing, the district court did not just consider Cota's juvenile record, it considered the facts and circumstances surrounding his offenses, the comments and arguments of defense counsel, and all of the evidence that was presented during the hearing.

We conclude the district court properly considered Cota's juvenile record at sentencing, Cota's juvenile record was relevant and did not constitute impalpable and highly suspect information, and the district

court did not rely solely on Cota's juvenile record in reaching its sentencing decision. Accordingly, the district court did not abuse its discretion at sentencing, and we

ORDER the judgments of conviction AFFIRMED.¹


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Thomas W. Gregory, District Judge
John E. Malone
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk

¹The Honorable Michael Gibbons did not participate in the decision in this matter.

FILED
IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL LUIS COTA
Appellant,
vs. **BOBBIE R. WILLIAMS**
THE STATE OF NEVADA, CLERK
Respondent. BY ANNE DEPUTY

MICHAEL LUIS COTA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 77414
District Court Case No. 18-CR-0116

Supreme Court No. 77415
District Court Case No. 18-CR-0084

RECEIVED
APR 17 2020

Douglas County
District Court Clerk

REMITTITUR

TO: Bobbie W. Williams, Douglas County Clerk

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

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

DATE: April 13, 2020

Elizabeth A. Brown, Clerk of Court

By: Danielle Friend
Chief Assistant Clerk

cc (without enclosures):

Hon. Thomas W. Gregory, District Judge
John E. Malone
Douglas County District Attorney/Minden
Bobbie W. Williams, Douglas County Clerk

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 April 17, 2020.

[Signature]
District Court Clerk

FILED
IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL LUIS COTA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

2020 APR 17 AM 9:57
BOBBIE R. WILLIAMS
- CLERK
BY: ANOM DEPUTY

Supreme Court No. 77414
District Court Case No. 18-CR-0116

RECEIVED

APR 17 2020

Douglas County
District Court Clerk

MICHAEL LUIS COTA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 77415
District Court Case No. 18-CR-0084

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER the judgment of conviction AFFIRMED."

Judgment, as quoted above, entered this 19 day of March, 2020.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
April 13, 2020.

Elizabeth A. Brown, Supreme Court Clerk

By: Danielle Friend
Chief Assistant Clerk

RECEIVED

APR 17 2020

FILED

Douglas County
District Court Clerk

2020 APR 17 AM 9:57

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BOBBIE R. WILLIAMS
CLERK

MICHAEL LUIS COTA,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

BY ANOM DEPUTY No. 77414-COA

MICHAEL LUIS COTA,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 77415-COA

FILED

MAR 19 2020

ELIZABETH A. GREGORY
CLERK OF SUPREME COURT

BY [Signature]
DEPUTY CLERK

ORDER OF AFFIRMANCE

These are Michael Luis Cota's consolidated appeals from two judgments of conviction. Cota was convicted pursuant to guilty pleas of battery by a prisoner in custody in district court case number 18-CR-0116 (Docket No. 77414-COA) and principal to grand larceny of a firearm in district court case number 18-CR-0084 (Docket No. 77415-COA). Ninth Judicial District Court, Douglas County; Thomas W. Gregory, Judge.

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he asserts his juvenile record consists of impalpable and highly suspect information.

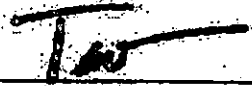
We review a district court's sentencing decision for abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). The district court may "consider a wide, largely unlimited variety of information to insure that the punishment fits not only the crime, but also the individual defendant." *Martinez v. State*, 114 Nev. 735, 738, 961 P.2d 143, 145 (1998); see also NRS 176.015(6). This includes a defendant's juvenile record, see *Thomas v. State*, 88 Nev. 382, 385, 498 P.2d 1314, 1316 (1972), see also NRS 62H.030(3)(b); NRS 62H.170(3), and even hearsay, see NRS 47.020(3)(c). However, we "will reverse a sentence if it is supported solely by impalpable and highly suspect evidence." *Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996).

Prior to sentencing, the district court made specific findings that the State's exhibits could lawfully be disseminated to a court for sentencing purposes, they were relevant to the court's sentencing determination, they were not unfairly prejudicial, and they did not contain impalpable or highly suspect information. And during sentencing, the district court did not just consider Cota's juvenile record, it considered the facts and circumstances surrounding his offenses, the comments and arguments of defense counsel, and all of the evidence that was presented during the hearing.

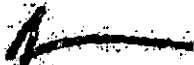
We conclude the district court properly considered Cota's juvenile record at sentencing, Cota's juvenile record was relevant and did not constitute impalpable and highly suspect information, and the district

court did not rely solely on Cota's juvenile record in reaching its sentencing decision. Accordingly, the district court did not abuse its discretion at sentencing, and we

ORDER the judgments of conviction AFFIRMED.¹



Tao J.



Bulla J.

cc: Hon. Thomas W. Gregory, District Judge
John E. Malone
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk

¹The Honorable Michael Gibbons did not participate in the decision in this matter.

RECEIVED

APR 29 2020

Douglas County
District Court Clerk

FILED

2020 APR 29 AM 9:37

IN THE NINTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF DOUGLAS

BOBBIE R. WILLIAMS
CLERK

BY: ANNE DEPUTY
ANNE

MICHAEL COTA

Petitioner/Plaintiff,

v. STATE OF NEVADA

[Signature]

Respondent/Defendant.

Case No. 18-CR-0116

Dept. No. II

Docket No. _____

NOTICE OF MOTION

TO: THE STATE OF NEVADA, Respondent/Defendant, TINA RUSSOM

_____, County District Attorney, and JOHN MALONE

_____, Esq.

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that on the 22 day of APRIL, 2020, at the hour of 9:00 O'clock A.M., or as soon thereafter as the parties may be heard, the undersigned will bring on for hearing the attached **MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD**, before the above-entitled Court, at the DOUGLAS COUNTY Courthouse, in GARDNERVILLE, Nevada, in Department No. II, thereof.

DATED this 22 day of APRIL, 2020.

Respectfully submitted,

MICHAEL COTA

Petitioner/Plaintiff

Ely State Prison

P.O. Box 1989

Ely, Nevada 89301-1989

IN THE NINTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF DOUGLAS

MICHAEL COTA

Petitioner/Plaintiff,

vi.

STATE OF NEVADA

Respondent/Defendant.

Case No. 18-CR-0116
18-CR-0084

Dept. No. II

Docket No. _____

**MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD OR IN THE
ALTERNATIVE, REQUEST FOR RECORDS/COURT CASE DOCUMENTS**

COMES NOW, Petitioner/Plaintiff, MICHAEL COTA, pro per,
and respectfully moves this Honorable Court for it's Order withdrawing JOHN MAIONE
_____, Esq., as the Attorney of Record in the above-entitled matter.

This Motion is made and based upon Nev. Rev. Stat. 7.055, and Nev. Sup. Ct. Rules 166(4), 173,
176, and 203, and Rules 11 and 20 of the Rules of the District Courts of the State of Nevada.

POINTS AND AUTHORITIES

Nev. Rev. Stat. 7.055, provides that:

An attorney who has been discharged by his client shall, upon demand...immediately
deliver to the client all papers, documents, pleadings and items of tangible personal
property which belong to or were prepared for that client.

See also Nev. Sup. Ct. Rule 166(4):

Upon termination of representation, a lawyer shall take steps to the extent reasonably
practicable to protect a client's interests, such as ...surrendering papers and property to
which the client is entitled..."

Petitioner/Plaintiff would respectfully point out to this Court and the attorney of record that there

is controlling law on this issue. This citation of authority is precautionary only. In the cases of In Re Yount, 93 Ariz. 322, 380 P.2d 780 (1963), and State v. Alvey, 215 Kan. 460, 524 P.2d 747 (1974), both cases dealt with a factual situation involving a withdrawn attorney refusing to deliver to a former client his documents after being requested to do so by the client. The Court in Yount, supra, ordered the attorney disbarred, while in Alvey, supra, the Court had the attorney censured.

In most situations it is obviously not necessary to notify the parties when the attorney withdraws from a case, but when the client wishes to remove his attorney and represent himself in person, it is required by these Statutes and Rules that the client request the Court of action to issue a certificate releasing the attorney of record. Under such statutes it is necessary for the party to present his request for the change in order for the court in making an order withdrawing the attorney of record, and to make formal demand to the Attorney for the return of all papers and property.

Therefore, let this Court be so notified that this is the desire of the Petitioner/Plaintiff herein that the aforementioned attorney of record be withdrawn and the same shall be for any other attorney(s) which could possibly be subscribed and documented as attorney(s) of record in this case, so that further actions in the above-entitled cause can be conducted by the Petitioner/Plaintiff in proper person.

Further, Petitioner/Plaintiff hereby makes formal demand upon JOHN MALONE
_____, Esq., for the return of his entire file, including, but not limited to all papers, documents, pleadings and items of tangible personal property which belong to or were prepared on my behalf to me at the address set forth in this pleading.

Further, it is requested of this Court that it issue an Order directing the named attorney of record that he turn over to the Petitioner/Plaintiff the entire case file, without costs, including, but not limited to, the trial transcripts or guilty plea transcript, all briefs on appeal, and all other papers and police reports relating to this matter, so that Petitioner/Plaintiff may prosecute an appeal/post-conviction with a minimum amount of delay.

CONCLUSION

WHEREFORE, all of the above stated reasons, Petitioner/Plaintiff respectfully requests this Honorable Court to grant his Motion for Withdrawal of Attorney of Record in accordance with this Court's fair and just consideration of the facts of the case.

DATED this 22 day of APRIL, 2020

Respectfully submitted,

MICHAEL L. COTA

Petitioner/Plaintiff

CERTIFICATE OF SERVICE

I hereby certify pursuant to N.R.C.P. 5(b) that I am the Petitioner/Plaintiff in the foregoing Notice of Motion and Motion for Withdrawal of Attorney of Record or in the Alternative, Request for Records/Court Case Documents on this 22 day of APRIL, 2020, I did serve a true and correct copy of the above mentioned document, by giving it to a prison official at the Ely State Prison to deposit in the U.S. Mail, sealed in an envelope, postage pre-paid, and addressed as follows:

DOUGLAS COUNTY DISTRICT
~~ATTORNEY'S OFFICE~~ CLERK OF THE COURTS
P.O. BOX 218
MINDEN, NV 89423

DATED this 22 day of APRIL, 2020


Petitioner/Plaintiff

AFFIRMATION PURSUANT TO NRS 239B.030

I, MICHAEL LUIS COTA, NDOC# 1706075,

CERTIFY THAT I AM THE UNDERSIGNED INDIVIDUAL AND THAT THE
ATTACHED DOCUMENT ENTITLED MOTION for WITHDRAWAL of
ATTORNEY / REQUEST FOR RECORDS / COURT CASE DOCUMENTS,

DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER OF ANY
PERSONS, UNDER THE PAINS AND PENALTIES OF PERJURY.

DATED THIS 22 DAY OF APRIL, 2020.

SIGNATURE: 

INMATE PRINTED NAME: MICHAEL LUIS COTA

INMATE NDOC# 1706075

INMATE ADDRESS: ELY STATE PRISON
P. O. BOX 1989
ELY, NV 89301

RECEIVED

MAY 21 2020

FILED

Douglas County
District Court Clerk

2020 MAY 21 AM 9:45

BOBBIE R. WILLIAMS
CLERK

BY msr/gregory

Case No. 2018-CR-00084

Dept. No. II

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

THE STATE OF NEVADA

Plaintiff,

vs.

MICHAEL LUIS COTA

Defendant.

ORDER DISCHARGING COUNSEL AND
ORDERING COUNSEL TO PROVIDE
DEFENDANT WITH CASE FILE

IT IS HEREBY ORDERED that John Malone, Esq. is discharged as
counsel for Defendant, Michael Luis Cota.

IT IS FURTHER ORDERED that John Malone, Esq. provide
Defendant, Michael Luis Cota, with the entire case file no later
than June 3, 2020.

DATED this 21st day of May, 2020.

Thomas W. Gregory
THOMAS W. GREGORY
DISTRICT JUDGE

1 Copies served by mail/email on May 21st, 2020, addressed to:

2 Michael Luis Cota (Mail)

3 Inmate NDOC # 1206075

4 Ely State Prison

5 P.O. Box 1989

6 Ely, Nevada 89301-1989

7 Douglas County District Attorney's Office (email)


8 P.O. Box 218

9 Minden, Nevada 89423

10 John Malone, Esq. (email)

11 209 N. Pratt Avenue

12 Carson City, Nevada 89701

13 
14 Erin C. Plante

Michael Cota #1206075

FILED

2021 APR 23 AM 11:02

BOBBIE R. WILLIAMS
CLERK

BY Al Wallin DEPUTY

RECEIVED

APR 23 2021

Douglas County
District Court Clerk

IN THE 9th JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF Douglas

Michael Cota #1206075 }
Petitioner }
v. }
John E. Malone, Esq. }
9th Respondent }

CASE # 18-CR-0116

18-CR-0084 ✓

DEPT.# 9

MOTION TO COMPEL

COMES NOW, Petitioner Michael Cota #1206075, in and through
his proper person hereby moves this Honorable Court for an Order compelling:
John E. Malone, Esq. (Ex-Counsel for Petitioner).

This motion is made and based upon all papers and pleadings on file with the Clerk of
the Court, which are hereby incorporated by this reference, the Points and Authorities
herein, and attached Affidavit of Petitioner.

*Dated: this 20 day of APRIL, 2021.

Submitted by: M Cota II
Michael Cota #1206075
Petitioner / In Proper Person

POINTS AND AUTHORITIES

*On the 20 day of April, 2021 the Court had granted the Petitioner's, "Motion to Terminate Counsel". However, John E. Malone has failed to comply with the Order from this Honorable Court. This Court has the power and duty to enforce its lawful judgment pursuant to N.R.S. 1.210 which states in pertinent part ;

"Every court shall have power :

- 1. To preserve and enforce order in its immediate presence.*
- 2. To enforce order in the proceedings before a person or persons empowered to conduct a judicial investigation under its authority.*
- 3. To compel obedience to its lawful judgments, orders and process, and to the lawful orders of its judge out of court in an action or proceeding pending therein.*
- 4. To control ,in furtherance of justice, the conduct of its ministerial offers." (emphasis added)*

Failure to comply with a court's order constitutes contempt under N.R.S. 199.340 which states in pertinent part that:

"Every person who shall commit a contempt of court of any one of the following kind shall be guilty of a misdemeanor;

...4. Willful disobedience to the lawful process or mandate of the court;..." (emphasis added)

In closing, by John E. Malone not adhering to the order of this court; to surrender "all" files has displayed contempt. Petitioner cites three cases.

In Re Yount, 93 Ariz. 322, 380 P.2d 780 (1963), State v. Alvey, 215 Kan. 460,

524 P.2d 747 (1974) and In Re Sullivan, 212 Kan. 233 510 P.2d 1199 (1973) that all

deal with attorneys that refused to abide by the rulings of their respective courts and

were either disbarred or censored. Petitioner prays this honorable Court compel

John E. Malone Esq. to comply with the order and find John E. Malone Esq.

guilty of contempt for not obeying the lawful order of this Court.

* DATED: this 20 day of April, 2021

* Submitted by: M. Costa II
Michael Costa #1206075
Petitioner / In Proper Person

///
///
///

Affirmation

"I, Michael Costa #1206075, author of 'Motion to Compel,'
herby attest under the penalties of perjury that the foregoing
is true and correct and not for any improper purpose except
to obtain call has criminal discovery, transcripts, exhibits,
and has case file."
NAS 208.165 § 121.121
Affiant: Michael Costa #1206075
Hereby sworn this 20 day of April, 2021 under
penalties of perjury.

AFFIRMATION PURSUANT TO NRS 239B.030

I, Michael Cota, NDOC# 1206075

CERTIFY THAT I AM THE UNDERSIGNED INDIVIDUAL AND THAT THE
ATTACHED DOCUMENT ENTITLED "Motion to Compel"

DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER OF ANY
PERSONS, UNDER THE PAINS AND PENALTIES OF PERJURY.

* DATED THIS 20 DAY OF APRIL, 20 21.

* SIGNATURE:

M Cota II

INMATE PRINTED NAME: Michael Cota

INMATE NDOC # 1206075

INMATE ADDRESS: ELY STATE PRISON
P. O. BOX 1989 - 5A41-ESP
ELY, NV 89301

CERTIFICATE OF SERVICE

I, Michael Cota, hereby certify pursuant to
NRCF 5(b) that on this 20 day of April, 2021, I did serve a
true and correct copy of the foregoing, "Motion to Compel"

by giving it to a prison guard at Ely State Prison to deposit in the U.S. Mail,
sealed in an envelope, postage pre-paid, addressed to the following:

John E. Malone, Esq
* 1662 US HWY 395N, STE 202
MINDEN, NV 89423

Signed,

* M Cota
Michael Cota #1206075
Ely State Prison
P.O. Box 1989-6A44-ESP
Ely, Nevada 89301

Case No. 2018-CR-00084/00116

Dept. No. II

RECEIVED

MAY 19 2021

Douglas County
District Court Clerk

FILED

2021 MAY 19 AM 10:46

BOBBIE R. WILLIAMS
CLERK

BY C. Walen DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

THE STATE OF NEVADA,

Plaintiff,

vs.

ORDER TO SHOW CAUSE

MICHAEL LUIS COTA,

Defendant.

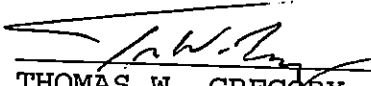
THIS MATTER comes before the Court on Defendant's Motion to Compel filed on April 23, 2021. The motion alleges that Defendant's former counsel has failed to abide by the Court's May 21, 2020 Order Discharging Counsel and Ordering Counsel to Provide Defendant with Case File. The motion reflects service on former counsel. Former counsel has not filed an opposition. The failure to file an opposition may be taken as an admission that the motion is meritorious and consent to granting the same. DCR 13.

Good cause appearing, Defendant's former counsel, John Malone, Esq., shall appear before the Court on June 7, 2021 at 9:00 a.m. to show cause as to why he should not be held in contempt of Court for failing to abide by the Court's May 21, 2020 Order Discharging Counsel and Ordering Counsel to Provide Defendant with Case File. If, prior to the hearing, Mr. Malone

1 files and serves a notice of compliance with the order, together
2 with a supporting affidavit and exhibits, the Court will consider
3 vacating the hearing.

4 IT IS SO ORDERED.

5 DATED this 19th day of May, 2021.

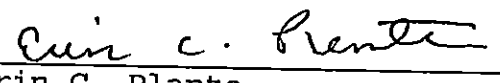
7
8 
9 THOMAS W. GREGORY
10 DISTRICT JUDGE

11
12
13
14 Copies served by mail/ hand delivery on May 19th, 2021, addressed
15 to:

16 Douglas County District Attorney's Office (Hand Delivery)
17 P.O. Box 218
18 Minden, Nevada 89423

19 John Malone, Esq. (Hand Delivery)
20 1162 US Highway 395 N, Ste 202
Minden, Nevada 89423

21 Michael Cota (Mail)
22 Inmate Number #1206075
23 Ely State Prison
24 P.O. Box 1989-5A41-ESP
Ely, Nevada 89301

25 
26 Erin C. Plante

Case No. 2018-CR-00084/00116

RECEIVED

FILED

Dept. No. II

MAY 26 2021

2021 MAY 26 PM 3:37

Douglas County
District Court Clerk

BOBBIE R. WILLIAMS
CLERK

[Signature]
DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR
THE COUNTY OF DOUGLAS

THE STATE OF NEVADA,

Plaintiff,

RESPONSE TO

ORDER TO SHOW CAUSE

Vs.

MICHAEL LUIS COTA,

Defendant.

Upon receiving this court's May 21, 2020 *Order Discharging Counsel and Ordering Counsel to Provide Defendant with Case File*, counsel prepared a copy of Defendant Michael Luis Cota's case file and mailed it via USPS to Defendant's last known residence at Ely State Prison, Nevada.

See Exhibit 1: Photocopy receipts and receipts for USPS shipment to the State Prison located in Ely, Nevada. (Counsel paid for signed confirmation for delivery as is reflected in the receipt but did not receive delivery confirmation from the USPS).

1 Following preparation of Cota's file and its shipment, counsel received a phone call from
2 Mr. Cota apologizing for his previous motion to terminate counsel. He informed me that his sole
3 purpose was to obtain a copy of his file in preparation for upcoming parole hearings.

4 Counsel apologizes for his oversight in not responding to Mr. Cota's April 20th, 2021
5 motion.

6
7
8
9
10 DATED: 5-26-21

Respectfully submitted:

Malone

John E. Malone
1662 US Highway 395
Ste: 202
Minden, NV 89423
775-392-3342
Attorney for Defendant

11
12
13
14
15
16
17 Copies served by mail / hand delivered on May 26, 2021, addressed to:

18
19
20 Douglas County District Attorney's Office
21 P.O. Box 218
22 Minden, Nevada 89423

(Hand Delivery)

23
24 Michael Cota
25 Inmate Number # 1206075
26 Ely State Prison
27 P.O. Box 1989-5A41-ESP
28 Ely, Nevada 89301

(Mail)

1 Case No. 2018-CR-00084/00116

RECEIVED

FILED

2 Dept. No. II

MAY 26 2021

2021 MAY 26 PM 3:36

3 Douglas County
4 District Court Clerk

BOBBIE R. WILLIAMS

CLERK

DEPUTY

5 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN
6 AND FOR THE COUNTY OF DOUGLAS

7
8
9
10 THE STATE OF NEVADA,

11 Plaintiff,

AFFIDAVIT OF ATTORNEY JOHN E. MALONE

12 IN SUPPORT OF THE RESPONSE TO ORDER

13 TO SHOW CAUSE

14 vs.

15
16 MICHAEL LUIS COTA,

17 Defendant

18
19
20 I, the undersigned, Attorney John Malone, former counsel for Michael Luis Cota, hereby
21 affirms under the penalty of perjury the following:

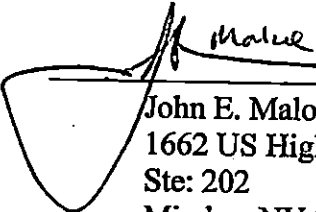
22
23 1. I was formerly the counsel for Michael L. Cota.

24
25 2. I was relieved as counsel by court order and directed to provide Mr. Cota with a copy of
26 his file. See exhibit 1, Receipt for file copies and postage.

27
28 3. I removed Mr. Cota's file from its binders and removed all index markers.

- 1 4. I then made copies of all documents in my possession and mailed them to Ely State
2 Prison, Mr. Cota's last known address.
3 5. Later, during a telephone call with Mr. Cota from Ely State Prison, I was able to confirm
4 that he had received his file.
5

6 DATED: 5-26-21
7


John E. Malone
1662 US Highway 395
Ste: 202
Minden, NV 89423
775-392-3342
Attorney for Defendant

10
11
12
13 Copies served by mail / hand delivered on May 26, 2021, addressed to:
14
15

16 Douglas County District Attorney's Office
17 P.O. Box 218
18 Minden, Nevada 89423
19

(Hand Delivery)

20 Michael Cota
21 Inmate Number # 1206075
22 Ely State Prison
23 P.O. Box 1989-5A41-ESP
24 Ely, Nevada 89301
25
26
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28

(Mail)

Exhibit "1"

Exhibit "1"

Cota



FedExOffice.

June 05, 2020 11:58
Receipt #: 0777424055
VISA #: XXXXXXXXXXXX1634
2020/06/05 11:25

Page: 1

Qty	Description	Amount
536	ES B&W S/S White 8.5 x11	69.68
SubTotal		69.68
Taxes		5.30
Total		74.98

The Cardholder agrees to pay the Issuer of the charge card in accordance with the agreement between the Issuer and the Cardholder.

1426 E. William St.
Carson City, NV 89701
(775) 886-6099
www.FedExOffice.com

Tell us how we're doing and receive
\$5 off your next \$30 print order
at fedex.com/wellsten or 1-800-398-0242
Offer Code: _____ Offer expires 12/31/2020

By submitting your project to FedEx Office or by making a purchase in a FedEx Office store, you agree to all FedEx Office terms and conditions, including limitations of liability. Request a copy of our terms and conditions from a team member or visit fedex.com/officeserviceterms for details.

Please Recycle This Receipt

534



June 05, 2020 15:52 Page: 1
Receipt #: 3903718254
VISA #: XXXXXXXXXXXXX1634
2020/06/05 15:34

Qty	Description	Amount
249	ES B&W S/S White 8.5 x11	32.37
SubTotal		32.37
Taxes		2.68
Total		35.05

The Cardholder agrees to pay the issuer of the charge card in accordance with the agreement between the Issuer and the Cardholder.

6479 SOUTH VIRGINIA
RENO, NV 89511
(775) 851-6800
www.FedExOffice.com

Tell us how we're doing and receive
\$5 off your next \$30 print order
at fedex.com/welisten or 1-800-398-0242
Offer Code: _____ Offer expires 12/31/2020

By submitting your project to FedEx Office or by making a purchase in a FedEx Office store, you agree to all FedEx Office terms and conditions, including limitations of liability. Request a copy of our terms and conditions from a team member or visit fedex.com/officeserviceterms for details.

Please Recycle This Receipt

June 05, 2020 11:58 Page: 1
Receipt #: 0777424056
VISA #: XXXXXXXXXXXXX1634
2020/06/05 11:40

Qty	Description	Amount
457	ES B&W S/S White 8.5 x11	59.41
SubTotal		59.41
Taxes		4.51
Total		63.92

The Cardholder agrees to pay the issuer of the charge card in accordance with the agreement between the Issuer and the Cardholder.

1426 E. William St.
Carson City, NV 89701
(775) 886-6099
www.FedExOffice.com

Tell us how we're doing and receive
\$5 off your next \$30 print order
at fedex.com/welisten or 1-800-398-0242
Offer Code: _____ Offer expires 12/31/2020

By submitting your project to FedEx Office or by making a purchase in a FedEx Office store, you agree to all FedEx Office terms and conditions, including limitations of liability. Request a copy of our terms and conditions from a team member or visit fedex.com/officeserviceterms for details.

Please Recycle This Receipt



FedEx Office is your destination
for printing and shipping.

1426 E William St
Carson City, NV 89701
Tel: (775) 886-8099

6/5/2020 12:02:27 PM PST
Team Member: SAMANTHA L.

SALE

ES Paper Past1/Astro	15 @	0.0200 T
002586 Reg. Price	0.02	
Regular Total	0.30	
Discounts	0.00	
Total	0.30	

Sub-Total	0.30
Tax	0.02
Deposit	0.00
Total	0.32

***** PURCHASE *****
APPROVED

Total: \$0.32

Card Type: VISA

Card Entry: CHIP

Acct #: *****1634

Approval Code: 023021

***** EMV PURCHASE *****

App Label: VISA DEBIT

Mode: Issuer

ATN: A00000000021010

STEAMBOAT
75 MCCABE DR
RENO, NV 89511-9998
317289-0680
(800) 275-8777
06/05/2020 04:34 PM

Product	Qty	Unit Price	Price
PM 3-Day (Domestic) (ELY, NV 89301) (Weight: 13 Lb 5.0 Oz) (Expected Delivery Day) (Tuesday 06/09/2020) (USPS Tracking #) (9510 8100 5091 0157 7564 20)	1	\$27.20	\$27.20
Insurance (Up to \$50.00 included)			\$0.00
Sign Conf			\$3.15
Total:			\$30.35

Debit Card Remit'd \$30.35
(Card Name: VISA)
(Account #: XXXXXXXXXXXX1634)
(Approval #)
(Transaction #: 632)
(Receipt #: 040005)
(Debit Card Purchase: \$30.35)
(Cash Back: \$0.00)
(AID: A0000000980840 Chip)
(AL: US DEBIT)
(PIN: Verified)

Due to limited transportation
availability as a result of
nationwide COVID-19 impacts
package delivery times may be
extended. Priority Mail Express®
service will not change.

Text your tracking number to 28777
(USPS) to get the latest status.
Standard Message and Data rates may

1 Case No. 2018-CR-00084/00116

2 Dept. No. II

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FILED
2021 MAY 28 AM 9:49

MAY 28 2021

BOBBIE R. WILLIAMS
CLERK

Douglas County
District Court Clerk

BY W. W. R. DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS

9 THE STATE OF NEVADA,
10 Plaintiff,

11 vs.

12 MICHAEL LUIS COTA,

13 Defendant.

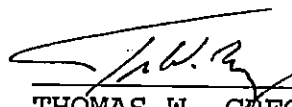
ORDER DENYING MOTION TO COMPEL,
VACATING OSC HEARING

15 THIS MATTER comes before the Court on Defendant's Motion to
16 Compel filed on April 23, 2021. The Court entered an Order to
17 Show Cause setting a hearing for June 7, 2021. On May 26, 2021,
18 Defendant's former counsel filed a Response to Order to Show Cause
19 adequately addressing the Motion to Compel and the Order to Show
20 Cause.

21 Good cause appearing, the Motion to Compel is denied and the
22 June 7th hearing is vacated.

23 IT IS SO ORDERED.

24 DATED this 28th day of May, 2021.

26 
27 THOMAS W. GREGORY
28 DISTRICT JUDGE

1 Copies served by mail/hand delivered on May 28th, 2021, addressed
2 to:

3 Douglas County District Attorney's Office (Hand Delivery)
4 P.O. Box 218
5 Minden, Nevada 89423

6 John Malone, Esq. (Hand Delivery)
7 1162 US Highway 395 N, Ste 202
8 Minden, Nevada 89423

9 Michael Cota (Mail)
10 Inmate Number #1206075
11 Ely State Prison
12 P.O. Box 1989-5A41-ESP
13 Ely, Nevada 89301

Erin C. Plante
Erin C. Plante

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RECEIVED

JUL 28 2021

Douglas County
District Court Clerk

FILED

2021 JUL 28 AM 10:14

BOBBIE R. WILLIAMS
CLERK

9th JUDICIAL DISTRICT COURT
DOUGLAS COUNTY NEVADA

BY *[Signature]* DEPUTY

NAME, MICHAEL COTA

Plaintiff(s),

-VS-

NAME, STATE OF NEVADA

Defendant(s).

CASE NO.

18-CR-0116

18-CR-0084 ✓

MOTION FOR MODIFICATION OF SENTENCE

COMES NOW, PLAINTIFF, in PRO PER and herein above respectfully

Moves this Honorable Court for a ORDER TO MODIFY THE SENTENCES
IMPOSED ON OCTOBER 8, 2018.

The above is made and based on the following Memorandum of Points and Authorities.

B. NATURE OF THE CASE

Briefly state, in numbered paragraphs, the background facts of your case (you may attach additional

pages, in necessary): THIS MOTION IS MADE AND BASED PURSUANT

TO THE SUPPORTING FACTS AND AUTHORITIES PROVIDED

HERETO NRS 176.033 AND NRS 176.A.450 AS WELL AS

ALL PAPERS AND PLEADING ASSOCIATED WITH THESE CASES.

THE NEVADA SUPREME COURT HAS LONG RECOGNIZED THAT

DISTRICT COURTS HAVE AUTHORITY AND JURISDICTION TO

MODIFY A SENTENCE SEE: STALEY VS. STATE 787 P2d

396, 106 NEU 75. PLAINTIFF BELIEVES THAT THE

COURT HAS, BASED UPON STALEY, THE JURISDICTION TO

MODIFY AS HIS SENTENCE IS BASED UPON INFORMATION

ILLEGALLY CONTAINED IN P.S.I. REPORT AND THEN AT

SENTENCING THE JUDGE STATED HIS PRISON SENTENCE

WAS BASED ON HIS JUVENILE RECORD. THIS COURT

FIRST NEVER ENTERTAINED A MOTION TO ACCESS JUVENILE

RECORDS AND THE P.S.I. REPORT CLEARLY STATED MR

COTA'S JUVENILE RECORD WAS MINOR AND MAINLY

CONSISTED OF NOT FOLLOWING RULES. MR COTA WAS A

FIRST TIME ADULT DEFENDER AND HE WAS ONLY

19 YEARS OLD. PRISON TIME ITSELF WAS EXCESSIVE

AND CONSECUTIVE TIME WAS AN ABUSE OF JUDICIAL

POWER. IN ADDITION MR COTA HAS CHANGED HIS

LIFE, HE WILL BE LIVING IN LAS VEGAS AT 1401 BRACKEN

AVE 89106, HE WILL BE WORKING IN LAS VEGAS AT

1 ETHEL M. CHOCOCATES. HE HAS ALWAYS WANTED TO
2 LEARN TO DO AUTO BODY WORK. SO HE WILL BE
3 ATTENDING TRADE SCHOOL. MR COSTA HAS CHANGED
4 HIS VIEW OF LIFE AND ASKS HIS COURT FOR A SENTENCE
5 MODIFICATION OF 1-3 YEARS ON CASE 18-CR-016.
6 MR DORA COTA WILL NEVER RETURN TO THE DOUGLAS
7 COUNTY AREA. HE IS ASKING TO START HIS NEW LIFE.
8 ALL FINES AND COSTS WILL BE FULLY PAID PRIOR TO
9 MODIFICATION.
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Dated this 26th day of July, 2021.

By: MA Costa II

AFFIRMATION PURSUANT TO NRS 239B.030

I, MICHAEL COTA, NDOC# 1206075

CERTIFY THAT I AM THE UNDERSIGNED INDIVIDUAL AND THAT THE
ATTACHED DOCUMENT ENTITLED MOTION FOR SENTENCE
MODIFICATION

DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER OF ANY
PERSONS, UNDER THE PAINS AND PENALTIES OF PERJURY.

DATED THIS 26th DAY OF July, 2024.

SIGNATURE: M. Cota II

INMATE PRINTED NAME: MICHAEL COTA

INMATE NDOC # 1206075

INMATE ADDRESS: ELY STATE PRISON
P. O. BOX 1989
ELY, NV 89301

VERIFICATION

Under penalty of perjury, the undersigned declares that he is the Plaintiff in the foregoing complaint and knows the contents thereof; that the pleading is true and of his own knowledge, except as to those matters stated on information and belief, and as to such matters he believes them to be true. I further verify that the foregoing pleading is true and correct, and is made under penalty of perjury without benefit of notary pursuant to NRS 208.165, as I am an incarcerated person.

Dated this 20th day of July, 2021.

X M. Cota

MICHAEL COTA #1201075
ELY STATE PRISON
P.O. BOX 1989
Ely, NV. 89301
Plaintiff In Pro Se

1 Case No. 2018-CR-00084

2 Dept. No. II

RECEIVED

AUG 12 2021

Douglas County
District Court Clerk

FILED

2021 AUG 12 AM 8:52

COBBIE R. WILLIAMS
CLERK

[Signature]
DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

ORDER

12 MICHAEL LUIS COTA,

13 Defendant.
14 _____/

15 THIS MATTER comes before the Court on Defendant's Motion for
16 Modification of Sentence filed on July 28, 2021. The Motion has
17 not been served on the State.

18 Defendant shall serve a conforming copy of the Motion on the
19 District Attorney and file proof of service with the Court no
20 later than September 12, 2021. Failure to comply will result in

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1 denial of the Motion. Upon service being made in the timeframe
2 provided, the Motion will be heard in the normal course.

3 IT IS SO ORDERED.

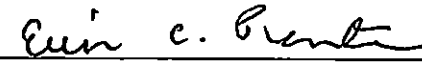
4 DATED this 12th day of August, 2021.

5
6 
7 THOMAS W. GREGORY
DISTRICT JUDGE

8 Copies served by mail/hand delivery on August 12th, 2021,
9 addressed to:

10 Michael Cota (Mail)
11 #1206075
12 Ely State Prison
13 P.O. Box 1989
Ely, Nevada 89301

14 Douglas County District Attorney's Office (Hand Delivery)
15 1038 Buckeye Road
Minden, Nevada 89423

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18 Erin C. Plante
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RECEIVED

AUG 16 2021

Douglas County
District Court Clerk

NINTH JUDICIAL DISTRICT COURT

DOUGLAS COUNTY NEVADA

FILED

2021 AUG 16 AM 10:57

BOBBIE R. WILLIAMS
CLERK

MICHAEL COTA

PLAINTIFF

VS

CASE NO'S

18 CR-0084

18 CR-0116

STATE OF NEVADA

Defendant

MOTION TO HOLD JOHN MALONE IN CONTEMPT

THIS COURT ISSUED AN ORDER TO Counsel to turn over ALL CASE RECORDS TO MR COTA, AS OF THIS DATE HE HAS FIRST WITHHELD PART OF THE CASE FILE AND ON MAY 26, 2021 HE FILED A RESPONSE TO THIS COURT'S ORDER TO SHOW CAUSE. IN HIS RESPONSE HE ADMITS THAT HE ONLY SENT COPIES AND HAS RETAINED THE ORIGINAL (PLEASE SEE pg 1 Lines 20 & 21.) AS THIS COURT IS WELL AWARE RULES OF THE NEVADA SUPREME COURT CLEARLY STATE THAT ONCE A ATTORNEY IS DISCHARGED HE MUST IMMEDIATELY PROVIDE TO HIS CLIENT ALL DOCUMENTS, PLEADINGS, EXHIBITS, ITEMS OF PROPERTY WHICH RELATE TO THE CLIENT'S CASE. MR MALONE IS IN VIOLATION OF THIS RULE AND IS IN CONTEMPT OF THIS COURT'S ORDER. HIS OWN WORDS IN HIS RESPONSE PLACE HIM IN VIOLATION. NRS 1.210 DEALS IN THIS COURT'S NOT ONLY AUTHORITY BUT RESPONSIBILITY TO ENFORCE ITS RULINGS.

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MR MARQUE IS NOW IN CONTEMPT OF COURT AS OUTLINED
IN NRS 199.340, WHICH STATES A PERSON IS GUILTY
OF CONTEMPT FOR "WILLFUL DISOBEDIENCE TO A LAWFUL
PROCESS OR MANDATE OF THE COURT"
IN CLOSING BY JOHN MARQUES RETAINING MR COTA
FILE HE HAS DISPLAYED CONTEMPT, MR COTA
REFERS TO COURT TO MAKE YOU 93A2 322, 380 P2D
780 AND STAY VS. ALLEY 524 P2D 747 AND
IN RE SULLIVAN 510 P2D 1199. ALL THOSE CASES
DEAL WITH ATTORNEYS WHO VIOLATE COURT ORDERS.
THIS IS A SERIOUS ISSUE AND THIS COURT MUST
RESOLVE IT.

Dated this 13th day of August, 2021

By: Mr. [Signature]

AFFIRMATION

Pursuant to NRS 239b.030

The undersigned does hereby affirm that the preceding document, _____

MOTION TO HOLD JOHN MACONE IN CONTEMPT

Filed in case number: 18CR-0084 (Title of Document)
18CR-0116

☒ Document does not contain the social security number of any person

Or

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

☐ A Specific state or federal law, to wit

Or

☐ For the administration of a public program

Or

☐ For an application for a federal or state grant

Or

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230, and NRS 125b.055)

DATE: August 13, 2024

X M. L. Pota
(Signature)

MICHAEL COTA
(Print Name)

Pro Se
(Attorney for)

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VERIFICATION

Under penalty of perjury, the undersigned declares that he is the Plaintiff in the foregoing complaint and knows the contents thereof; that the pleading is true and of his own knowledge, except as to those matters stated on information and belief, and as to such matters he believes them to be true. I further verify that the foregoing pleading is true and correct, and is made under penalty of perjury without benefit of notary pursuant to NRS 208.165, as I am an incarcerated person.

Dated this 13th day of August, 2021.



MICHAEL COTA #1206075
ELY STATE PRISON
P.O. BOX 1989
Ely, NV. 89301
Plaintiff In Pro Se

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RECEIVED

SEP 23 2021

MEMORANDUM OF POINTS AND AUTHORITIES

Douglas County
District Court Clerk

NINTH JUDICIAL DISTRICT COURT

DOUGLAS COUNTY NEVADA

FILED
2021 SEP 23 11:06

DOBBIE R. WILLIAMS
CLERK

BY: [Signature] DEPUTY

MICHAEL COTA

CASE NO:

Plaintiff

18-CR-0084

VS

18-CR-0116

STATE OF NEVADA

18-CR-00084B

Respondent

18-CR-00116B

MOTION FOR ORDER FOR Complete Docket SHEET

MR COTAS REQUESTS TO THE CLERK OF COURTS
FOR THESE DOCKET SHEETS HAVE BEEN IGNORED.
MR COTA NEEDS These Docket Sheets FOR
FEDERAL LITIGATION. IN ADDITION MR COTA WAS
ONLY AWARE OF CASES 18-CR-0084 AND 18-CR-0116
THE OTHER TWO CASE NUMBERS ARE A MYSTERY AND
NEED TO BE IMMEDIATELY RESEARCHED.

DATED THIS 21ST DAY OF SEPTEMBER 2021

X [Signature]

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding complaint does not contain the social security number of any person.

Dated this 21st day of September, 2021.

Michael Cota

MICHAEL COTA #1206075
ELY STATE PRISON
P.O. BOX 1989
Ely, NV. 89301
Plaintiff In Pro Se

RECEIVED

SEP 23 2021

Douglas County
District Court Clerk

FILED

MEMORANDUM OF POINTS AND AUTHORITIES

2021 SEP 23 AM 10:06

BODIE R. WILLIAMS
CLERK

NINTH JUDICIAL DISTRICT COURT

DOUGLAS COUNTY NEVADA

BY *[Signature]* DEPUTY

MICHAEL COTA

CASE NO's

PETITIONER

18-CR-0084

VS

18-CR-0116

STATE OF NEVADA

RESPONDENT

REQUEST FOR SUBMISSION OF PLEADING

IT IS REQUESTED THAT THE PLEADING ENTITLED MOTION
TO VACATE ILLEGAL SENTENCE FILED ON AUGUST 5, 2021
IN THE ABOVE ENTITLED ACTIONS BE SUBMITTED TO THE
COURT FOR DECISION.

DATED THIS 21ST DAY OF SEPTEMBER 2021

x *[Signature]*

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Dated this 21st day of September, 2021.

x M. A. H. 4

553

RECEIVED

SEP 23 2021

Douglas County
District Court Clerk

Dept. No. _____

2021 SEP 23 AM 11

COPIED TO
CLERK

BY _____

IN THE UNDR JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF DOUGLAS

MICHAEL COTA

Petitioner/Plaintiff,

v.

STATE OF NEVADA

Respondent/Defendant.

CASE NO:

18-CR-0084

REQUEST FOR SUBMISSION OF PLEADING

It is requested that the Pleading entitled PETITION FOR POST CONVICTION

GENETIC MARKER ANALYSIS, which was submitted/filed on the
23rd day of August, 2021, in the above-entitled matter, be submitted to the Court for
it's consideration.

The undersigned Petitioner/Plaintiff, certifies that a copy of the pleading noted above and this
document, have been served upon the Respondent/Defendant.

Dated this 21st day of September, 2021.

M. Cota

1206075

Petitioner/Plaintiff
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301-1989

AFFIRMATION PURSUANT TO NRS 239B.030

I, MICHAEL COTA, NDOC# 1206075,

CERTIFY THAT I AM THE UNDERSIGNED INDIVIDUAL AND THAT THE
ATTACHED DOCUMENT ENTITLED REQUEST FOR
SUBMISSION

DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER OF ANY
PERSONS, UNDER THE PAINS AND PENALTIES OF PERJURY.

DATED THIS 21ST DAY OF September, 20 21.

SIGNATURE: MICHAEL COTA

INMATE PRINTED NAME: MICHAEL COTA

INMATE NDOC # 1206075

INMATE ADDRESS: ELY STATE PRISON
P. O. BOX 1989
ELY, NV 89301

1
2 **RECEIVED**

3 SEP 27 2021

4 Douglas County
District Court Clerk

MEMORANDUM OF POINTS AND AUTHORITIES

FILED

2021 SEP 27 AM 10:48

BOBBIE R. WILLIAMS
CLERK

BY *[Signature]* DEPUTY

5
6 MICHAEL COTA

7 PLAINTIFF

8 VS

9 STATE OF NEVADA

10 Defendant

CASE NO'S

18-CR-0084

18-CR-0116

11
12 MOTION TO SUBMIT FOR DECISION

13
14 APPROX 6 WEEKS AGO MR COTA FILED A REQUEST TO
15 COMPEL JOHN MALONE TO PROVIDE HIM ALL CASE RECORDS.
16 IN HIS POSSESSION. MR MALONE HAS HAD NO INVOLVEMENT
17 WITH MR COTA FOR OVER A YEAR, IS NO LONGER ATTORNEY
18 OF RECORD. NRS 7.055 AND NEV. SUP CT Rule 166(4)
19 GIVE MR COTA ABSOLUTE RIGHT TO THESE RECORDS.
20 THIS MUST BE SUBMITTED FOR DECISION.


21
22 DATED THIS 22ND DAY OF SEPTEMBER 2021

23
24 X *[Signature]*

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding complaint does not contain the social security number of any person.

Dated this 22nd day of September, 2021.


MICHAEL COTA #1206075
ELY STATE PRISON
P.O. BOX 1989
Ely, NV. 89301
Plaintiff In Pro Se

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MEMORANDUM OF POINTS AND AUTHORITIES

FILED

SEP 27 2021

Douglas County
District Court Clerk

JUDICIAL DISTRICT COURT

DOUGLAS COUNTY NEVADA

2021 SEP 27 AM 10:18
JUDICIAL DISTRICT COURT

BOBBIE R. WILLIAMS
CLERK

BY *[Signature]* DEPUTY

MICHAEL COTA

CASE NO'S

PLAINTIFF

✓ 18-CR-0084 ADULT

VS

18-CR-0116 ADULT

STATE OF NEVADA

Juvenile Court RECORDS

Defendant

MOTION TO SUBMIT FOR DECISION

APPROX 6 WEEKS AGO MR COTA FILED A REQUEST FOR HIS JUVENILE COURT DOCKET SHEET. MR COTA HAS NOT RECEIVED IT NOR NOTIFICATION THAT THE COURT EVEN RECEIVED HIS REQUEST. THIS DOCKET SHEET IS NEEDED AS AN EXHIBIT IN THE 9TH CIRCUIT COURT OF APPEALS. Please Rule on My Motion

DATED THIS 22ND DAY OF September 2021

X *[Signature]*

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding complaint does not contain the social security number of any person.

Dated this 22ND day of September, 2021.



MICHAEL COTA #1206075
ELY STATE PRISON
P.O. BOX 1989
Ely, NV. 89301
Plaintiff In Pro Se

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RECEIVED

OCT 12 2021

Douglas County
District Court Clerk

FILED

2021 OCT 12 AM 9:52

BOBBIE R. WILLIAMS

CLERK

DEPUTY

NAME, MICHAEL COTA

Plaintiff(s),

-VS-

NAME, STATE OF NEVADA

Defendant(s).

CASE NO.

18-CR-0084

18-CR-0116

MOTION TO VACATE ILLLEGAL SENTENCE

COMES NOW, PLAINTIFF, in PRO PER and herein above respectfully

Moves this Honorable Court for a ORDER TO VACATE THE ILLLEGAL

SENTENCE ENTERED IN THIS CASE.

The above is made and based on the following Memorandum of Points and Authorities.

B. NATURE OF THE CASE

Briefly state, in numbered paragraphs, the background facts of your case (you may attach additional

pages, in necessary): ON MR COTAS Guilty plea AGREEMENT,

SENTENCING TRANSCRIPTS AND JUDGMENT OF CONVICTION

IT STATES MR COTA WAS FOUND GUILTY OF A VIOLATION

OF NRS 205.226 AND NRS 195.020 AND HIS CHARGE

(SIMILAR) BEING PRINCIPAL TO GRAND LARCENY OF A

FIREARM. THE ILLEGALITY IS NEVADA STATUTE HAS

NO SUCH CHARGE. NRS 205.226 IS GRAND LARCENY

OF A FIREARM. THE ELEMENTS ARE A PERSON WHO

INTENTIONALLY STEALS, TAKES AND CARRIES AWAY A

FIREARM OWNED BY ANOTHER PERSON COMMITS GRAND

LARCENY OF A FIREARM. NRS 195.020 DEALS WITH A

SEPERATE CHARGE OF BEING A "PRINCIPAL" TO ANY FELONY

OR MISDEMEANOR. THIS IS AIDING AND ABETTING. THE

STATE TOOK THESE SEPERATE NRS AND ILLEGALLY

COMBINED THEM BASICALLY CHARGING MR COTA WITH

STEALING A FIREARM YET HELPING SOMEONE ELSE

STEAL IT. THIS COURT HAD NO JURISDICTION TO JUST

MAKE UP A CHARGE THAT DOES NOT COMPORT TO

STATUTE, NOR DID THIS COURT HAVE JURISDICTION

TO ACCEPT A PLEA ON AN ILLEGAL CHARGE. THE

CHARGE SIMPLY DOES NOT EXIST. THIS COURT CAN NOT

JUSTIFY OR COVER UP THIS ILLEGALITY AS IT APPEARS

ON MULTIPLE COURT DOCUMENTS. MR COTA ASSERTS

1 THAT THE SOLE REASON FOR THESE ILLEGAL CHARGES
2 IS THE FACT THAT NEVER WAS A GUN FOUND, NEVER
3 WAS THE GUN EVER, BY EVIDENCE, PLACED IN MR.
4 COTAS POSSESSION. NEVER DID ANYONE COME FORWARD
5 TO SAY MR COTA SOLD THEM ANY WEAPON. IT APPEARS
6 THE STATE, BECAUSE OF A LACK OF EVIDENCE, CREATED
7 A NEW NRS AND A NEW CHARGE. JUST THE DEFINITIONS
8 SHOW THE STATE DID NOT KNOW IF MR COTA STOLE THE
9 GUN, HELPED SOMEONE ELSE STEAL IT OR HAD ABSOLUTELY
10 NO INVOLVEMENT. AN ILLEGAL SENTENCE IS A VERY
11 SERIOUS VIOLATION OF DUE PROCESS AND EQUAL
12 PROTECTION. THIS IS YET ANOTHER EXAMPLE OF
13 DOUGLAS COUNTY'S CONTEMPT FOR CIVIL RIGHTS.
14 THIS SENTENCE IS ILLEGAL AND AS SUCH THIS CASE
15 BECOMES A PERFECT EXAMPLE OF FALSUS-IN-UNO-
16 DOCTRINE, FALSE IN ONE FALSE IN ALL.

23
24 Dated this 6th day of October, 2021.

26 By: M. J. Cota II

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP Rule 5 (b), I hereby certify that I am the Petitioner/Defendant named herein
and that on this 6th day of October, 2021, I mailed a true and correct copy of this
foregoing MOTION TO Correct ILLEGAL Sentence to the following:

Douglas County District Atty.
P.O. Box 218
Minden, NV 89423

BY: M. H. H. II

FILED

1 Case No. 2018-CR-00084/00084B/00116/00116B

2 Dept. No. II

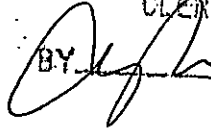
RECEIVED
RECEIVED
OCT 15 2021

2021 OCT 15 AM 10:29

BOBBIE R. WILLIAMS
CLERK

OCT 15 2021

Douglas County
District Court Clerk

BY  DEPUTY

3
4
5
6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS
8

9 THE STATE OF NEVADA,
10 Plaintiff,

11 vs.

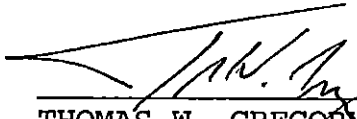
ORDER REGARDING MOTION FOR
COMPLETE DOCKET SHEET

12 MICHAEL LUIS COTA,
13 Defendant.
14

15 THIS MATTER comes before the Court on Defendant's Motion for
16 Complete Docket Sheet filed on September 23, 2021. Good cause
17 appearing, the Clerk of the Court shall provide Defendant with the
18 complete docket sheet for each case.

19 IT IS SO ORDERED.

20 DATED this 14th day of October, 2021.

21
22 
23 THOMAS W. GREGORY
24 DISTRICT JUDGE
25
26
27
28

1 Copies served by mail/hand delivered on October 15th, 2021,
2 addressed to:

3 Douglas County District Attorney's Office (Hand Delivery)
4 1038 Buckeye Road
5 Minden, Nevada 89423

6 Michael Cota (Mail)
7 #1206075
8 Ely State Prison
9 P.O. Box 1989
10 Ely, Nevada 89301

11 Office of the Attorney General (Mail)
12 100 N. Carson Street
13 Carson City, Nevada 89701

14 Erin C. Plante
15 Erin C. Plante
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Case No. 2018-CR-00084/00116

RECEIVED

FILED

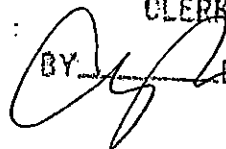
Dept. No. II

OCT 15 2021

2021 OCT 15 AM 10:39

Douglas County
District Court Clerk :

BOBBIE R. WILLIAMS
CLERK

BY  DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

THE STATE OF NEVADA,
Plaintiff,

vs.

MICHAEL LUIS COTA,
Defendant.

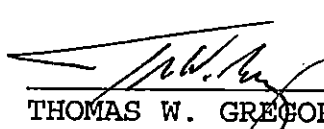
ORDER DENYING MOTION FOR
MODIFICATION OF SENTENCE

THIS MATTER comes before the Court on Defendant's Motion to
Modify Sentence filed on July 28, 2021. The Court ordered
Defendant to serve the State and file proof of service. Order,
August 12, 2021. To date, Defendant has not filed proof of
service.

Defendant's Motion to Modify Sentence is DENIED.

IT IS SO ORDERED.

DATED this 14th day of October, 2021.


THOMAS W. GREGORY
DISTRICT JUDGE

1 Copies served by mail/hand delivery on October 15th, 2021,
2 addressed to:

3 Douglas County District Attorney's Office (Hand Delivery)
4 1038 Buckeye Road
5 Minden, Nevada 89423

6 Michael Cota (Mail)
7 #1206075

8 Ely State Prison
9 P.O. Box 1989
10 Ely, Nevada 89301

Erin C. Plante
Erin C. Plante

1 Case No. 2018-CR-00084

RECEIVED

FILED

2 Dept. No. II

OCT 15 2021

2021 OCT 15 AM 10:41

3
4 Douglas County
District Court Clerk

BOBBIE R. WILLIAMS
CLERK

BY  DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF DOUGLAS

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

ORDER DENYING MOTION TO HOLD
JOHN MALONE IN CONTEMPT

12 MICHAEL LUIS COTA,

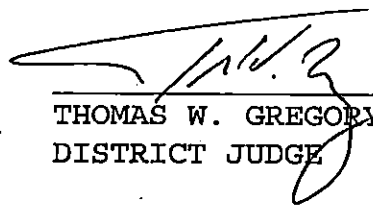
13 Defendant.

14
15 THIS MATTER comes before the Court on Defendant's Motion to
16 Hold John Malone in Contempt filed on August 16, 2021. Defendant
17 failed to serve the motion on the State and/or Mr. Malone.
18 Defendant does not sufficiently state grounds for contempt.

19 Defendant's Motion to Hold John Malone in Contempt is DENIED
20 on procedural and substantive grounds.

21 IT IS SO ORDERED.

22 DATED this 14th day of October, 2021.

23
24 
25 THOMAS W. GREGORY
26 DISTRICT JUDGE
27
28

1 Copies served by mail /hand delivered on October 15th, 2021,
2 addressed to:

3 Douglas County District Attorney's Office (Hand Delivery)
4 1038 Buckeye Road
5 Minden, Nevada 89423

6 Michael Cota (Mail)
7 #1206075
8 Ely State Prison
9 P.O. Box 1989
10 Ely, Nevada 89301

11 John Malone, Esq. (Mail)
12 Malone Law
13 1601 Fairview Drive, Suite H
14 Carson City, NV 89701

Erin C. Plante
Erin C. Plante

Case No. 2018-CR-00084/2018-CR-00116

Dept. No. II

RECEIVED

OCT 15 2021

Douglas County
District Court Clerk

FILED

2021 OCT 15 PM 4:29

BOBBIE R. WILLIAMS
CLERK

BY C. Walin DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

STATE OF NEVADA,

Plaintiff,

vs.


CERTIFICATE OF SERVICE

MICHAEL L COTA,

Defendant.

Pursuant to NRCP 5(b), I certify that I am an employee of the Douglas County District Court Clerk's Office and that on this day I deposited for mailing with the United States Postal Service, a true copy of the COMPLETE DOCKET SHEET FOR 2018-CR-00084 AND 2018-CR-00116 addressed to Michael Cota, #1206075 Ely State Prison, P.O. Box 1989, Ely, NV 89301.

DATED this 15th day of October 2021.


CLERK OF THE COURT

C. Walin
DEPUTY CLERK

RECEIVED

OCT 20 2021

Douglas County
District Court Clerk

FILED

2021 OCT 20 PM 12: 58

BOBBIE R. WILLIAMS
CLERK

BY  DEPUTY

1 Case No. 18-CR-0084 / 18-CR-0116

2 Dept No. II

3 DA 0011011

4 This document does not contain personal information of any person

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

10 THE STATE OF NEVADA,

11 Plaintiff,

12 v.

OPPOSITION TO MOTION TO
VACATE ILLEGAL SENTENCE

13 MICHAEL LUIS COTA, JR.,

14 Defendant.
15

16 The State of Nevada, by and through Matthew S. Johnson, Deputy District Attorney for
17 the Douglas County District Attorney's Office opposes the Defendant's motion to Vacate
18 Illegal Sentence. This opposition is based on the following points and authorities as well as all
19 other documents on file with this Court.

20 A motion to correct an illegal sentence may only be granted when the sentence is "at
21 variance with the controlling sentencing statute,' or 'illegal' in the sense that the court goes
22 beyond its authority by acting without jurisdiction or imposing a sentence in excess of the
23 statutory maximum provided." *Haney v. State*, 124 Nev. 408, 411, 185 P.3d 350, 352 (2008)
24 (citing *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996) (quoting *Allen v. United*
25 *States*, 495 A.2d 1145, 1149 (D.C.Cir.1985) (quoting *Prince v. United States*, 432 A.2d 720,
26 721 (D.C.Cir.1981) and *Robinson v. United States*, 454 A.2d 810, 813 (D.C.Cir.1982))).
27 "A motion to correct an illegal sentence presupposes a valid conviction and may not, therefore,
28 be used to challenge alleged errors in proceedings that occur prior to the imposition

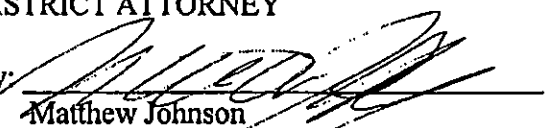
Douglas County District Attorney
1038 Buckeye Road
Minden, NV 89423
(775) 782-9800 Fax (775) 782-9807

1 of sentence." *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Defendant has
2 failed to demonstrate that his conviction is at variance with the controlling sentencing statute or
3 illegal in the sense that it goes beyond the Court's authority. "The common law distinction
4 between principals in the first and second degree has been abrogated by NRS 195.020; and a
5 principal may be either the person who 'directly commits the act constituting the offense' (the
6 perpetrator) or one who 'aid or abets in its commission' or who 'counsels, encourages, hires,
7 commands, induces or otherwise procures another to commit [a crime].'" *Batt v. State*, 111
8 Nev. 1127, 1131, 901 P.2d 664, 666 (1995).

9 The Defendant's motion must be denied.

10 DATED this 13 day of October, 2021.

11 MARK B. JACKSON
12 DISTRICT ATTORNEY

13 By: 
14 Matthew Johnson
15 Deputy District Attorney
16 1038 Buckeye Road
17 Minden, NV 89423
18 (775) 782-9800
19
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1 Case No. 18-CR-0084

2 Dept No. II

3 DA 0011011

4 This document does not contain personal information of any person

5
6 IN THE JUSTICE COURT OF TAHOE TOWNSHIP
7 IN THE COUNTY OF DOUGLAS, STATE OF NEVADA
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 v.

CERTIFICATE OF SERVICE

12 MICHAEL LUIS COTA, JR.,

13 Defendant.
14

15 Pursuant to NRCP 5(b), I certify that I am an employee of the District Attorney for
16 Douglas County, Nevada, and that I deposited for delivery a true copy of Guilty Plea
17 Agreement

18 addressed to:

19 Michael Luis Cota, Jr. #1206075
20 Ely State Prison
21 PO Box 1989
22 Ely, Nevada 89301

- 23 ☒ U.S. Mail
24 ☐ Reno/Carson Messenger
25 ☐ Hand Delivery
26 ☐ By placing a copy in the pick-up folder in the District Attorney's Office.

27 DATED this 20th day of October, 2021.
28

RECEIVED

OCT 20 2021

Douglas County
District Court Clerk

FILED

2021 OCT 20 PM 4:39

BOBBIE R. WILLIAMS
CLERK

DEPUTY

NINTH JUDICIAL DISTRICT COURT
DOUGLAS COUNTY NEVADA

NAME, STATE OF NEVADA

Plaintiff(s),

-vs-

NAME, MICHAEL COTA

Defendant(s).

CASE NO.

18CR-0084 ✓

18CR-0116

MOTION FOR CHANGE OF VENUE

COMES NOW, MICHAEL COTA, in PRO PER and herein above respectfully

Moves this Honorable Court for a CHANGE OF VENUE FOR HIS

POST CONVICTION LITIGATION IN THE ABOVE CASES

The above is made and based on the following Memorandum of Points and Authorities.

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MR COTA IS BEING VICTIMIZED BY THIS COURT AND
OR THE CLERK OF COURTS. MR COTA HAS FILED SEVERAL
LETTER MOTIONS IN THIS COURT WHICH REMAIN IN LIMBO
AND FOR SEVERAL MONTHS. MR COTA HAS A HABEAS
CORPUS PENDING IN WHICH THE STATE OF NEVADA
AND THE NEVADA ATTORNEY GENERAL HAVE NOT RESPONDED
WHICH IS IN DIRECT VIOLATION OF THIS COURTS ORDER
OF AUGUST 12, 2021. MR COTA HAS COMPLIED WITH
ALL COURT ORDERS. LET AVOID OF HIS MOTIONS HAVE
BEEN ADJUDICATED. HE HAS BEEN REFUSED A CASE
NUMBER ON HIS STATE CIVIL RIGHTS COMPLAINT. & THE
JUDGE, DA AND CLERK ARE ALL NAMED DEFENDANTS
IN FEDERAL CIVIL RIGHTS LAWSUITS PENDING IN
U.S. DISTRICT COURT AS SUCH THIS COURT HAS A CONFLICT
OF INTEREST. MR COTA REQUESTS HIS CASES BE
TRANSFERRED TO THE EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY NEVADA.

Dated this 18th day of October, 2021.

By: M. Cota

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding complaint does not contain the social security number of any person.

Dated this 18th day of October, 2021.

X M. L. Cota II

MICHAEL COTA # 1206075
ELY STATE PRISON
P.O. BOX 1989
Ely, NV. 89301
Plaintiff In Pro Se

RECEIVED

OCT 28 2021

Douglas County
District Court Clerk

FILED

2021 OCT 28 PM 3:05

BOBBIE R. WILLIAMS
CLERK

NINTH JUDICIAL DISTRICT COURT BY [Signature] DEPUTY
DOUGLAS COUNTY NEVADA

NAME, STATE OF NEVADA

Plaintiff(s),

-vs-

NAME, MICHAEL LUIS COTA

Defendant(s).

CASE NO.

18-CR-0084 ✓

18-CR-0116

1

MOTION TO HOLD John MALONE IN
CONTEMPT / SHOW CAUSE

COMES NOW, MICHAEL COTA, in PRO PER and herein above respectfully

Moves this Honorable Court for a ORDER OF CONTEMPT AGAINST John
MALONE FOR VIOLATING THIS COURTS ORDER OF
May 21, 2020, TO PRODUCE MR COTAS Complete Case File

The above is made and based on the following Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

On May 21, 2020 this Court ordered Atty John
 Malone to provide to Mr Cota his entire case
 file. Mr Malone has not complied. On May
 26, 2021 Mr Malone filed a response to order
 to show cause. He provided exhibits of photo copies
 of several shipping receipts with following amounts,
 \$74.98, \$35.05, \$63.92, \$30.35 and .32¢ which
 total \$204.62. Mr Cota did not receive all of
 these deliveries, it is ridiculous and a misrepresentation
 to the Court. This Court can easily verify
 this through the Ely State Prison as all legal
 mail is logged. Mr Cota would also point out
 to the Court that these receipts are from Carson
 City and Reno, All on the same day just hours
 apart. The 2 Reno receipts are from different
 locations. Logic would state that if in fact Mr
 Malone had 4 boxes to ship to Mr Cota he would
 have taken them into one Fed Ex office and shipped
 them not traicked to 3 different locations as a
 cities. Mr Malone has provided false information
 to this Court, he is in fact in violation of this Courts
 May 21, 2020 Court order and should be held
 in contempt. Please see exhibit one

2 X MALONE II

DATED HIS 21ST DAY OF OCTOBER 2021

AFFIRMATION

Pursuant to NRS 239b.030

The undersigned does hereby affirm that the preceding document, MOTION TO HOLD

JOHN MALONE IN CONTEMPT

(Title of Document)

Filed in case number: OR 18-CR-0084 18-CR-0116

☐ Document does not contain the social security number of any person

Or

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

☐ A Specific state or federal law, to wit

Or

☐ For the administration of a public program

Or

☐ For an application for a federal or state grant

Or

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230, and NRS 125b.055)

DATE: OCTOBER 21, 2021

X MICHAEL COTA II
(Signature)

MICHAEL COTA
(Print Name)

DRO Se'
(Attorney for)

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCF Rule 5 (b), I hereby certify that I am the Petitioner/Defendant named herein
and that on this 21ST day of OCTOBER 20 21, I mailed a true and correct copy of this
foregoing MOTION TO HOLD John Malone IN to the following:

CONTEMPT

JOHN E. MALONE

1662 U.S. Hwy 395 STE: 202
MINDEN, NV 89423

DOUGLAS County DISTRICT ATTY
P.O. Box 218
MINDEN NV 89423

BY: M2Ceta #

EXHIBIT ONE

EXHIBIT ONE

RECEIVED

FILED

Case No. 2018-CR-00084/00116

MAY 26 2021

2021 MAY 26 PM 3:37

Dept. No. II

Douglas County
District Court Clerk

DOBBIE R. WILLIAMS
CLERK

K. WILBERT DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR
THE COUNTY OF DOUGLAS

THE STATE OF NEVADA,

Plaintiff,

RESPONSE TO

ORDER TO SHOW CAUSE

Vs.

MICHAEL LUIS COTA,

Defendant.

Upon receiving this court's May 21, 2020 *Order Discharging Counsel and Ordering Counsel to Provide Defendant with Case File*, counsel prepared a copy of Defendant Michael Luis Cota's case file and mailed it via USPS to Defendant's last known residence at Ely State Prison, Nevada.

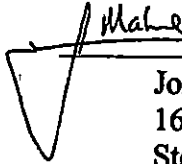
See Exhibit 1: Photocopy receipts and receipts for USPS shipment to the State Prison located in Ely, Nevada. (Counsel paid for signed confirmation for delivery as is reflected in the receipt but did not receive delivery confirmation from the USPS).

1 Following preparation of Cota's file and its shipment, counsel received a phone call from
2 Mr. Cota apologizing for his previous motion to terminate counsel. He informed me that his sole
3 purpose was to obtain a copy of his file in preparation for upcoming parole hearings.

4 Counsel apologizes for his oversight in not responding to Mr. Cota's April 20th, 2021
5 motion.

6
7
8
9 Respectfully submitted:

10 DATED: 5-26-21


11 John E. Malone
12 1662 US Highway 395
13 Ste: 202
14 Minden, NV 89423
15 775-392-3342
16 Attorney for Defendant

17 Copies served by mail / hand delivered on May 26, 2021, addressed to:

18
19 Douglas County District Attorney's Office
20 P.O. Box 218
21 Minden, Nevada 89423

(Hand Delivery)

22
23 Michael Cota
24 Inmate Number # 1206075
25 Ely State Prison
26 P.O. Box 1989-5A41-ESP
27 Ely, Nevada 89301
28

(Mail)

1 Case No. 2018-CR-00084/00116

2 Dept. No. II

RECEIVED

MAY 26 2021

Douglas County
District Court Clerk

FILED

2021 MAY 26 PM 3:36

BOOBIE R. WILLIAMS
CLERK

K. WILFERT DEPUTY

5 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN
6 AND FOR THE COUNTY OF DOUGLAS

10 THE STATE OF NEVADA,

11 Plaintiff,

AFFIDAVIT OF ATTORNEY JOHN E. MALONE
12 IN SUPPORT OF THE RESPONSE TO ORDER
13 TO SHOW CAUSE

14 vs.

16 MICHAEL LUIS COTA,

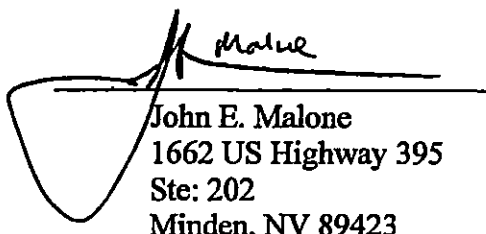
17 Defendant

18
19
20 I, the undersigned, Attorney John Malone, former counsel for Michael Luis Cota, hereby
21 affirms under the penalty of perjury the following:

- 22
- 23 1. I was formerly the counsel for Michael L. Cota.
 - 24
 - 25 2. I was relieved as counsel by court order and directed to provide Mr. Cota with a copy of
 - 26 his file. See exhibit 1, Receipt for file copies and postage.
 - 27
 - 28 3. I removed Mr. Cota's file from its binders and removed all index markers.

1. 4. I then made copies of all documents in my possession and mailed them to Ely State
2. Prison, Mr. Cota's last known address.
3. 5. Later, during a telephone call with Mr. Cota from Ely State Prison, I was able to confirm
4. that he had received his file.

5.
6. DATED: 5-26-21


John E. Malone
1662 US Highway 395
Ste: 202
Minden, NV 89423
775-392-3342
Attorney for Defendant

10
11
12
13. Copies served by mail / hand delivered on May 26, 2021, addressed to:

14
15
16. Douglas County District Attorney's Office

(Hand Delivery)

17. P.O. Box 218

18. Minden, Nevada 89423

19
20. Michael Cota

(Mail)

21. Inmate Number # 1206075

22. Ely State Prison

23. P.O. Box 1989-5A41-ESP

24. Ely, Nevada 89301



June 05, 2020 11:58
Receipt #: 0777424055
VISA #: XXXXXXXXXXXX1634
2020/06/05 11:25

Page: 1

Qty	Description	Amount
536	ES B&W S/S White 8.5 x11	69.68
SubTotal		69.68
Taxes		5.30
Total		74.98

The Cardholder agrees to pay the issuer of the charge card in accordance with the agreement between the issuer and the Cardholder.

1426 E. William St.
Carson City, NV 89701
(775) 886-6099
www.FedExOffice.com

Tell us how we're doing and receive
\$5 off your next \$30 print order
at fedex.com/wellisten or 1-800-398-0242
Offer Code: _____ Offer expires 12/31/2020

By submitting your project to FedEx Office or by making a purchase in a FedEx Office store, you agree to all FedEx Office terms and conditions, including limitations of liability. Request a copy of our terms and conditions from a team member or visit fedex.com/officeserviceterms for details.

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Cota
✓

FedExOffice.

June 05, 2020 15:52 Page: 1
Receipt #: 3903718254
VISA #: XXXXXXXXXXXX1634
2020/06/05 15:34

Qty	Description	Amount
249	ES B&W S/S White 8.5 x11	32.37
SubTotal		32.37
Taxes		2.68
Total		35.05

The Cardholder agrees to pay the Issuer of the charge card in accordance with the agreement between the Issuer and the Cardholder.

6479 SOUTH VIRGINIA
RENO, NV 89511
(775) 851-6800
www.FedExOffice.com

Tell us how we're doing and receive
\$5 off your next \$30 print order
at fedex.com/welisten or 1-800-398-0242
Offer Code: _____ Offer expires 12/31/2020

By submitting your project to FedEx Office or by making a purchase in a FedEx Office store, you agree to all FedEx Office terms and conditions, including limitations of liability. Request a copy of our terms and conditions from a team member or visit fedex.com/officeserviceterms for details.

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Cota
✓

FedExOffice.

June 05, 2020 11:58 Page: 1
Receipt #: 0777424056
VISA #: XXXXXXXXXXXX1634
2020/06/05 11:40

Qty	Description	Amount
457	ES B&W S/S White 8.5 x11	59.41
SubTotal		59.41
Taxes		4.51
Total		63.92

The Cardholder agrees to pay the Issuer of the charge card in accordance with the agreement between the Issuer and the Cardholder.

1426 E. William St.
Carson City, NV 89701
(775) 886-6099
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Tell us how we're doing and receive
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at fedex.com/welisten or 1-800-398-0242
Offer Code: _____ Offer expires 12/31/2020

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for printing and shipping.

1426 E William St
Carson City, NV 89701
Tel: (775) 886-6099

6/5/2020 12:02:27 PM PST
Team Member: SAMANTHA L.

SALE

ES Paper Pastl/Astro	15 @	0.0200 T
002586 Reg. Price	0.02	
Regular Total	0.30	
Discounts	0.00	
Total	0.30	

Sub-Total	0.30
Tax	0.02
Deposit	0.00
Total	0.32

***** PURCHASE *****
APPROVED

Total:	\$0.32
Card Type:	VISA
Card Entry:	CHIP
Acct #:	*****1634
Approval Code:	023021
***** EMV PURCHASE *****	
App Label:	VISA DEBIT
Mode:	Issuer
ATN:	00000000000000000000

STEAMBOAT
75 MCCABE DR
RENO, NV 89511-9998
317289-0680
(800)275-8777
06/05/2020 04:34 PM

Product	Qty	Unit Price	Price
PM 3-Day	1	\$27.20	\$27.20
(Domestic)			
(ELY, NV 89301)			
(Weight:13 Lb 5.0 Oz)			
(Expected Delivery Day)			
(Tuesday 06/09/2020)			
(USPS Tracking #)			
(9510 8100 5091 0157 7564 20)			
Insurance			\$0.00
(Up to \$50.00 included)			
Sign Conf			\$3.15
Total:			\$30.35

Debit Card Remit'd	\$30.35
(Card Name:VISA)	
(Account #:XXXXXXXXXXXX1634)	
(Approval #)	
(Transaction #:632)	
(Receipt #:040005)	
(Debit Card Purchase:\$30.35)	
(Cash Back:\$0.00)	
(AID:A0000000980840	Chip)
(AL:US DEBIT)	
(PIN:Verified)	

Due to limited transportation
availability as a result of
nationwide COVID-19 impacts
package delivery times may be
extended. Priority Mail Express®
service will not change.

Text your tracking number to 28777
(USPS) to get the latest status.
Standard Message and Data rates may
apply.

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OCT 28 2021

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Douglas County
District Court Clerk

2021 OCT 28 PM 3:09

BOBBIE R. WILLIAMS
CLERK

DEPUTY

NINTH JUDICIAL DISTRICT COURT
DOUGLAS COUNTY NEVADA

NAME, MICHAEL COTA

Plaintiff(s),

-vs-

NAME, STATE OF NEVADA

Defendant(s).

CASE NO.

18-CR-0084 ✓

18-CR-0116

NOTICE OF APPEAL

COMES NOW, Michael COTA, in PRO PER and herein above respectfully

Moves this Honorable Court for a

NOTICE OF APPEAL OF THIS Courts
DENIAL OF MOTION TO HOLD JOHN MALONE IN Contempt
WHEN HE CLEARLY IS IN VIOLATION OF THIS Courts
ORDER OF May 21, 2020.

The above is made and based on the following Memorandum of Points and Authorities.

DATED this 20th DAY of OCTOBER 2021

x Michael COTA /

RECEIVED

NOV 08 2021

Douglas County
District Court Clerk

FILED

2021 NOV -8 AM 11:48

BODIE R. WILLIAMS
CLERK

DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF DOUGLAS

MICHAEL COTA

Petitioner/Plaintiff,

v.

STATE OF NEVADA

Respondent/Defendant

Case No. 18-CR-0084
18-CR-0116

Dept. No. _____

Docket No. _____

PREEMPTORY CHALLENGE OF JUDGE

COMES NOW, Petitioner/Plaintiff, MICHAEL COTA, pro per,
and in Forma Pauperis, pursuant to Supreme Court Rule 48.1, wishes to exercise the right to change Judge.

The current Judge in the above-entitled action is

THOMAS GREGORY

DATED this 28th day of

OCTOBER

, 2021

Respectfully submitted

[Signature]

Petitioner/Plaintiff

AFFIRMATION

Pursuant to NRS 239b.030

The undersigned does hereby affirm that the preceding document,

PREMPTORY CHALLENGE OF JUDGE

(Title of Document)

Filed in case number: 18-CR-0084
18-CR-0116

☒ Document does not contain the social security number of any person

Or

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

☐ A Specific state or federal law, to wit

Or

☐ For the administration of a public program


Or

☐ For an application for a federal or state grant

Or

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230, and NRS 125b.055)

DATE: OCTOBER 28, 2021


(Signature)

MICHAEL COTA
(Print Name)

PRO Se'
(Attorney for)

1 Case No. 2018-CR-00084/2018-CR-00116

2 Dept. No. II

RECEIVED

NOV 10 2021

Douglas County
District Court Clerk

FILED

2021 NOV 10 PM 1:39

ROBBIE R. WILLIAMS
CLERK

BY  DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 MICHAEL COTA,

13 Defendant.

ORDER DENYING MOTION TO HOLD
COUNSEL IN CONTEMPT AND
DIRECTING COUNSEL TO RESEND
PORTIONS OF CASE FILE

14
15 THIS MATTER comes before the Court on Defendant's Motion to
16 hold John Malone in Contempt/Show Cause filed in each of the above
17 cases.

18 On May 21, 2020 the Court entered an Order Discharging
19 Counsel and Ordering Counsel to Provide Defendant with Case File.

20 On April 23, 2021, Defendant filed a Motion to Compel
21 requesting that his former counsel surrender the case file to
22 Defendant pursuant to the May 21, 2020 order.

23 On May 19, 2021, the Court entered an Order to Show Cause
24 directing Defendant's former counsel to appear and show cause as
25 to why he should not be held in contempt for violating the May 21
26 order. The Court indicated that the hearing would be vacated if
27 Defendant's former counsel provided Defendant with the case file
28 and provided proof with supporting affidavits and exhibits.

1 On May 26, 2021, Defendant's former counsel filed a *Response*
2 *to Order to Show Cause* with a supporting affidavit and exhibit.
3 Counsel attested to having mailed the case file to Defendant.
4 Further, Defendant confirmed receipt of the file in a subsequent
5 phone call. On May 28, 2021, the Court entered an *Order Denying*
6 *Motion to Compel, Vacating OSC Hearing*.

7 On August 16, 2021, Defendant filed a *Motion to Hold John*
8 *Malone in Contempt*. Therein, Defendant alleged his former counsel
9 only sent Defendant "copies" of the case file and retained the
10 "originals" in violation of an unspecified Supreme Court Rule.
11 Defendant also claimed that former counsel withheld parts of the
12 file.

13 On October 15, 2021, the Court entered an *Order Denying*
14 *Motion to Hold John Malone in Contempt*. The denial was based on
15 procedural and substantive grounds.

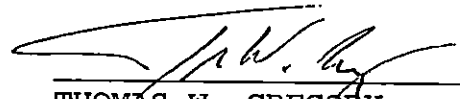
16 On October 28, 2021, Defendant filed the pending, second
17 successive *Motion to hold John Malone in Contempt/Show Cause*.
18 Defendant claims he did not receive "all of the deliveries"
19 represented by his former counsel to have been sent. Defendant
20 does not specify what he is missing and his motion is not
21 supported by affidavit or declaration. NJDCR 6, 7.

22 Motions once heard and disposed of may not be reheard in the
23 absence of leave of court. DCR 13. The motion is subject to
24 denial on this basis alone. Additionally, former counsel's
25 affidavit filed on May 26, 2021, reflects that former counsel sent
26 the complete file to Defendant and Defendant acknowledged receipt.
27 It is not a basis for contempt that Defendant may not have
28 received everything.

1 Defendant's second Motion to hold John Malone in
2 Contempt/Show Cause is DENIED. However, John Malone, Esq,
3 Defendant's prior counsel, shall communicate with Defendant
4 regarding the case file, resend portions of the file Defendant
5 claims not to have received and file proof with the Court.

6 IT IS SO ORDERED.

7 DATED this 10th day of November, 2021.


8
9 
10 THOMAS W. GREGORY
DISTRICT JUDGE

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13
14 Douglas County District Attorney's Office (Hand Delivery)
1038 Buckeye Road
15 Minden, Nevada 89423

16 Michael Cota (Mail)
17 #1206075
18 Ely State Prison
19 P.O. Box 1989
Ely, Nevada 89301

20 John Malone, Esq. (Mail)
21 Malone Law
1601 Fairview Drive
22 Suite H
Carson City, Nevada 89701

23
24 
25 Erin C. Plante

1 Case No. 2018-CR-00084/2018-CR-00116

2 Dept. No. II

3 RECEIVED


4 NOV 10 2021

5 Douglas County
District Court Clerk

FILED

2021 NOV 10 PM 1:41

BOBBIE R. WILLIAMS
CLERK

BY  DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS
8

9 THE STATE OF NEVADA,
10 Plaintiff,

11 vs.

12 MICHAEL COTA,

13 Defendant.
14 _____/

ORDER DENYING MOTION
TO VACATE SENTENCE

15 THIS MATTER comes before the Court on Defendant's Motion to
16 Vacate Illegal Sentence filed in each of the above cases. The
17 State filed an opposition on October 20, 2021. Defendant did not
18 file a reply.

19 In each case, Defendant has pursued a direct appeal, post-
20 conviction writ relief, and multiple other motions contesting his
21 sentences. In the pending motions, Defendant asks to vacate his
22 "illegal" sentences on the basis that a charge he pled guilty to
23 in 2018-CR-00084, Principal to Grand Larceny of a Firearm,
24 referred to both NRS 205.226 (Grand Larceny of a Firearm) and NRS
25 195.020 (Principals).

26 A motion to correct an illegal sentence may only be granted
27 when the sentence is "at variance with the controlling sentencing
28 statute," or "illegal" in the sense that the court goes beyond

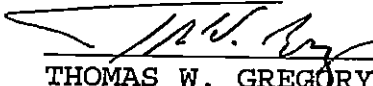
1 its authority by acting without jurisdiction or imposing a
2 sentence in excess of the statutory minimum provided." *Haney v.*
3 *State*, 124 Nev. 408, 411 (2008) (citing *Edwards v. State*, 112 Nev.
4 704, 708 (1996) (internal quotations omitted). "A motion to
5 correct an illegal sentence presupposes a valid conviction and may
6 not, therefore, be used to challenge alleged errors in proceedings
7 that occur prior to the imposition of sentence." *Edwards*, 112
8 Nev. at 708.

9 Defendant has not demonstrated that his sentences are at
10 variance with controlling sentencing statutes or were entered
11 beyond the Court's authority. The potential penalty for aiding
12 and abetting a crime is no different from the potential penalty
13 for directly committing the same crime. NRS 195.020; *Batt v.*
14 *State*, 111 Nev. 1127, 1131 (1995). Defendants other claims are
15 not properly pursued by way of a motion to correct an illegal
16 sentence.

17 Defendant's Motion to Vacate Illegal Sentence is DENIED.

18 IT IS SO ORDERED.

19 DATED this 10th day of November, 2021.

20
21 
22 THOMAS W. GREGORY
23 DISTRICT JUDGE
24
25
26
27
28

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6 Michael Cota (Mail)
7 #1206075
8 Ely State Prison
9 P.O. Box 1989
10 Ely, Nevada 89301

Erin C. Plante
Erin C. Plante

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Case No. 2018-CR-00084/2018-CR-00116

Dept. No. II

RECEIVED

NOV 10 2021

Douglas County
District Court Clerk

FILED

2021 NOV 10 PM 1:40

BOBBIE R. WILLIAMS
CLERK

BY [Signature] DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

THE STATE OF NEVADA,

Plaintiff,

vs.

MICHAEL COTA,

Defendant.

ORDER DENYING MOTION
TO CHANGE VENUE

THIS MATTER comes before the Court on Defendant's Motion to Change Venue filed in each of the above cases. Defendant did not serve the State. These are criminal cases wherein judgments of conviction have already been entered and for which the Court has entered multiple orders. There is no legal authority for a change of venue and Defendant cites none.

Defendant's Motion to Change Venue is DENIED.

IT IS SO ORDERED.

DATED this 16th day of November, 2021.

[Signature]
THOMAS W. GREGORY
DISTRICT JUDGE

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2 addressed to:

3 Douglas County District Attorney's Office (Hand Delivery)
4 1038 Buckeye Road
5 Minden, Nevada 89423

6 Michael Cota (Mail)
7 #1206075
8 Ely State Prison
9 P.O. Box 1989
10 Ely, Nevada 89301

Erin C. Plante
Erin C. Plante

Case No. 2018-CR-00084/2018-CR-00116

Dept. No. II

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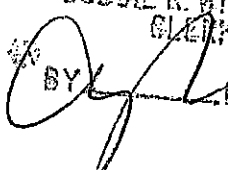
NOV 10 2021

Douglas County
District Court Clerk

FILED

2021 NOV 10 PM 1:42

BOBBIE R. WILLIAMS
CLERK

BY  DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

THE STATE OF NEVADA,
Plaintiff,

vs.

MICHAEL COTA,
Defendant.

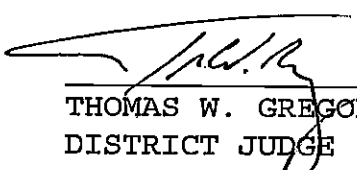
ORDER DENYING
PEREMPTORY CHALLENGE

THIS MATTER comes before the Court on Defendant's Preemptory Challenge of Judge filed in each of the above cases. These are criminal cases wherein judgments of conviction have already been entered and for which the Court has entered multiple orders. SCR 48.1, cited by Defendant, is inapplicable.

Defendant's Preemptory Challenge of Judge is DENIED.

IT IS SO ORDERED.

DATED this 10th day of November, 2021.


THOMAS W. GREGORY
DISTRICT JUDGE

1 Copies served by mail/hand delivery on November 10th, 2021,
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4 Douglas County District Attorney's Office (Hand Delivery)
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7 Michael Cota (Mail)
8 #1206075
9 Ely State Prison
10 P.O. Box 1989
11 Ely, Nevada 89301

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24
25
26
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28
Erin C. Plante
Erin C. Plante

Form 2. Case Appeal Statement

No. 2018-CR-00084

FILED Dept. No. II

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

MICHAEL COTA,

Appellant,

vs

WARDEN, N.D.O.C.
THE STATE OF NEVADA,

Respondent.

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NOV 15 2021

Douglas County
District Court Clerk

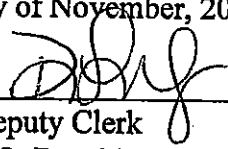
BOB L. WILLIAMS
CLERK
DEPUTY

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:
Michael Cota.
2. Identify the judge issuing the decision, judgment, or order appealed from:
Honorable Thomas W. Gregory.
3. Identify each appellant and the name and address of counsel for each appellant:
Michael Cota #1206075, Ely State Prison, P.O Box 1989, Ely, NV 89301– In Proper Person.
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):
The State of Nevada, represented by the Douglas County Attorney's Office, P.O. Box 218, Minden, NV 89423.
5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):
N/A.
6. Indicate whether appellant was represented by appointed or retained counsel in the district court: The defendant was originally appointed John Malone, the Court discharged John Malone on 5/21/2020. The defendant is now representing himself, pro per.
7. Indicate whether appellant is represented by appointed or retained counsel on appeal:
Unrepresented.
8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:
The appellant has not been granted leave to proceed in forma pauperis.
9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed): The information was filed on 5/29/2018.

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the court: The defendant is appealing the Court's Order Denying Motion to Hold John Malone in Contempt entered on 10/15/2021.
11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:
No. 83663 and 83521
12. Indicate whether this appeal involves child custody or visitation:
No.
13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:
No.

Dated this 15th day of November, 2021



Deputy Clerk
P.O. Box 218
Minden, Nevada 89423
775-782-9820

RECEIVED

NOV 16 2021

Douglas County
District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

NO. OFFICE OF THE CLERK

MICHAEL LUIS COTA,
Appellant,
vs.

THE STATE OF NEVADA,
Respondent.

FILED

2018-CR-00084
November 16, 2021 @ 9:27 a.m.

Supreme Court No. 83775

BOBBIE R. WILLIAMS

District Court Case No. 18-CR-00084

CLERK OF COURT

BY

[Signature]
DEPUTY

RECEIPT FOR DOCUMENTS

TO: Michael Luis Cota
Douglas County District Attorney/Minden \ Mark B. Jackson, District Attorney
Bobbie W. Williams, Douglas County Clerk ✓

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

11/15/2021 Appeal Filing Fee waived. Criminal. (SC)

11/15/2021 Filed Notice of Appeal/Proper Person. Appeal docketed in the Supreme Court this day. (SC)

DATE: November 15, 2021

Elizabeth A. Brown, Clerk of Court
lh

IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK

FILED

MICHAEL LUIS COTA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

RECEIVED

NOV 17 2021

Douglas County
District Court Clerk

Supreme Court No. 83775

District Court Case No. 18-CR-0008418-CR-WILLIAMS
00116.

2021 NOV 17 AM 9:4

CLERK

DEPUTY

RECEIPT FOR DOCUMENTS

TO: Michael Luis Cota
Douglas County District Attorney/Minden \ Mark B. Jackson, District Attorney
Bobbie W. Williams, Douglas County Clerk ✓

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

11/16/2021 Filed Notice of Appeal/Proper Person. (18-CR-00116) (SC)

DATE: November 16, 2021

Elizabeth A. Brown, Clerk of Court
lh

RECEIVED

NOV 18 2021

Douglas County
District Court Clerk

2021 NOV 18 AM 10:45

BRUCE D. WILLIAMS
CLERK

BY [Signature] DEPUTY

NINTH JUDICIAL DISTRICT COURT
DOUGLAS COUNTY NEVADA

NAME, STATE OF NEVADA

Plaintiff(s),

-vs-

CASE NO.

NAME, MICHAEL COTA

Defendant(s).

18-CR-18-0084 ✓

18-CR-0116

NOTICE OF APPEAL

COMES NOW, MICHAEL COTA, in PRO PER and herein above respectfully

Moves this Honorable Court for a NOTICE OF APPEAL TO NO Supreme
Court of this Courts DENIAL OF MOTION to Change Venue
Even though Judge Gregory is a Defendant in MR COTAS
CIVIL RIGHTS CASE BOTH STATE AND FEDERAL.

The above is made and based on the following Memorandum of Points and Authorities.

DATED THIS 14TH DAY OF NOVEMBER 2021

X M. Cota

RECEIVED

NOV 18 2021

Douglas County
District Court Clerk

FILED

NOV 18 AM 10:45

DAVID E. WILLIAMS
CLERK

DEPUTY

NINTH JUDICIAL DISTRICT COURT
DOUGLAS COUNTY NEVADA

NAME, STATE OF NEVADA
Plaintiff(s),

-vs-

NAME, MICHAEL COTA
Defendant(s).

CASE NO.

18-CR-0084 ✓
18-CR-0116

NOTICE OF APPEAL

COMES NOW, MICHAEL COTA, in PRO PER and herein above respectfully

Moves this Honorable Court for a NOTICE OF APPEAL TO NV Supreme
Court of this Court's DENIAL to HOLD JOHN MALONE
IN CONTEMPT.

The above is made and based on the following Memorandum of Points and Authorities.

DATED THIS 14TH DAY OF NOVEMBER 2021

X M. Cota II

RECEIVED

NOV 18 2021

Douglas County
District Court Clerk

NOV 18 AM 10:45

DEPUTY CLERK WILLIAMS

NINTH JUDICIAL DISTRICT COURT
DOUGLAS COUNTY NEVADA

NAME, STATE OF NEVADA

Plaintiff(s),

-vs-

CASE NO.

NAME, MICHAEL COTA

Defendant(s).

18-CR-0084 ✓

18-CR-0116

NOTICE OF APPEAL

COMES NOW, Michael COTA, in PRO PER and herein above respectfully

Moves this Honorable Court for a NOTICE OF APPEAL ON THIS COURT'S

DENIAL OF PREEMPTORY Challenge MOTION FILED BY
MR COTA

The above is made and based on the following Memorandum of Points and Authorities.

DATED THIS 14TH DAY OF NOVEMBER 2021

x Michael COTA

RECEIVED

NOV 18 2021

Douglas County
District Court Clerk

2021 NOV 18 AM 10:45

ROBERT P. WILLIAMS

CLERK

DEPUTY

NINTH JUDICIAL DISTRICT COURT
DOUGLAS COUNTY NEVADA

NAME, STATE OF NEVADA

Plaintiff(s),

-vs-

CASE NO.

NAME, MICHAEL COTA

Defendant(s).

18-CR-0084 ✓

18-CR-0116

NOTICE OF APPEAL

COMES NOW, MICHAEL COTA, in PRO PER and herein above respectfully

Moves this Honorable Court for a NOTICE OF APPEAL TO THE SUPREME
COURT OF THIS STATE DENIAL OF MOTION TO VACATE
SENTENCE.

The above is made and based on the following Memorandum of Points and Authorities.

DATED THIS 14TH DAY OF NOVEMBER 2021

x M. Cota II