

Electronically Filed
Feb 03 2022 12:41 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL L. COTA,

Appellant,

vs.

Case No. 2018-CR-00116
2018-CR-00116BD

THE STATE OF NEVADA,

Respondent,

RECORD ON APPEAL

VOLUME 4

COPIES OF ORIGINAL PLEADINGS
PAGES 449-537

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

IN PROPER PERSON

THE STATE OF NEVADA

DOUGLAS COUNTY DISTRICT ATTORNEY

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INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
AFFIDAVIT OF ATTORNEY JOHN E. MALONE IN SUPPORT OF THE RESPONSE TO ORDER TO SHOW CAUSE (Filed May 26'21)	443-448	VOL. 3
AMENDED NOTICE OF ENTRY OF ORDER (Filed Oct 22'21)	623-624	VOL. 5
ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) (Filed Sep 15'21)	566-585	VOL. 5
CASE APPEAL STATEMENT (Filed Dec 14'21)	530-531	VOL. 4
CASE APPEAL STATEMENT (Filed Nov 15'21)	629-630	VOL. 5
CASE APPEAL STATEMENT (Filed Nov 15'21)	510-511	VOL. 4
CASE APPEAL STATEMENT (Filed Dec 14'21)	532-533	VOL. 4
CASE APPEAL STATEMENT (Filed Dec 14'21)	526-527	VOL. 4
CASE APPEAL STATEMENT (Filed Dec 14'21)	528-529	VOL. 4
CASE APPEAL STATEMENT (Filed Nov 06'18)	418-421	VOL. 3
CERTIFICATE OF SERVICE (Filed Oct 15'21)	482	VOL. 4
CLERK'S CERTIFICATE (Filed Jan 03'22)	539	VOL. 5
CONFIDENTIAL PRE-SENTENCE INVESTIGATION (SEALED) (Filed Aug 27'18)	1-9	VOL. 1

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
DEFENDANT'S SUBMISSION OF DOCUMENTATION MITIGATION OF SENTENCING (Filed Oct 04'18)	305-311	VOL. 2
DISCLOSURE (Filed Sep 13'18)	260-261	VOL. 2
GUILTY PLEA AGREEMENT (Filed Aug 01'18)	40-45	VOL. 1
INFORMATION (Filed Jul 25'18)	34-36	VOL. 1
JUDGMENT OF CONVICTION (Filed Oct 10'18)	312-313	VOL. 2
MOTION FOR ORDER FOR COMPLETE DOCKET SHEET (Filed Sep 23'21)	587-588	VOL. 5
MOTION TO HOLD JOHN MALONE IN CONTEMPT (Filed Jan 07'22)	543	VOL. 5
MOTION TO VACATE ILLEGAL SENTENCE (Filed Oct 12'21)	472-475	VOL. 4
MOTION TO SUBMIT FOR DECISION (Filed Sep 27'21)	470-471	VOL. 4
MOTION TO SUBMIT FOR DECISION JUVENILE COURT RECORDS (Filed Sep 27'21)	468-469	VOL. 4
MOTION TO STRIKE THE STATE'S SENTENCING MEMORANDUM AND ATTACHED EXHIBITS (SEALED) (Filed Sep 06'18)	236-245	VOL. 2
MOTION FOR CHANGE OF VENUE (Filed Oct 20'21)	618-620	VOL. 5
MOTION TO HOLD JOHN MALONE IN CONTEMPT/SHOW CAUSE (Filed Oct 28'21)	486-496	VOL. 4

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
MOTION TO HOLD JOHN MALONE IN CONTEMPT (Filed Aug 16'21)	460-463	VOL. 4
MOTION FOR ORDER FOR COMPLETE DOCKET SHEET (Filed Sep 23'21)	464-465	VOL. 4
MOTION FOR MODIFICATION OF SENTENCE (Filed Jul 28'21)	453-457	VOL. 4
MOTION TO FILE SENTENCING MEMORANDUM AND/OR EXHIBITS UNDER SEAL (Filed Aug 23'18)	67-68	VOL. 1
MOTION TO COMPEL (Filed Apr 23'21)	436-440	VOL. 3
MOTION TO FILE UNDER SEAL (Filed Sep 06'18)	233-234	VOL. 2
MOTION TO SUBMIT FOR DECISION (Filed Jan 24'22)	550-551	VOL. 5
MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD OR IN THE ALTERNATIVE, REQUEST FOR RECORDS/COURT CASE DOCUMENTS (Filed Apr 29'20)	429-433	VOL. 3
NOTICE OF JUDGE DISQUALIFICATION (Filed Mar 19'20)	425	VOL. 3
NOTICE OF TRANSFER TO COURT OF APPEALS (Filed Dec 16'19)	424	VOL. 3
NOTICE OF APPEAL (Filed Nov 06'18)	416-417	VOL. 3
NOTICE OF APPEAL (Filed Nov 18'21)	513	VOL. 4
NOTICE OF LIEU OF REMITTITUR (Filed Dec 02'21)	521	VOL. 4

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
NOTICE OF APPEAL (Filed Oct 28'21)	626-627	VOL. 5
NOTICE OF APPEAL (Filed Nov 18'21)	516	VOL. 4
NOTICE OF APPEAL (Filed Nov 18'21)	514	VOL. 4
NOTICE OF ENTRY OF ORDER (Filed Oct 22'21)	621-622	VOL. 5
NOTICE OF NON-COMPLIANCE BY STATE OF NEVADA REQUEST TO GRANT HABEAS (Filed Oct 20'21)	615-617	VOL. 5
NOTICE OF APPEAL (Filed Oct 28'21)	497	VOL. 4
NOTICE OF APPEAL (Filed Nov 18'21)	515	VOL. 4
NOTICE OF COMPLIANCE (Filed Aug 20'21)	564-565	VOL. 5
NOTICE OF COUNSEL (Filed Aug 19'21)	561-563	VOL. 5
OPPOSITION TO MOTION TO STRIKE THE STATE'S SENTENCING MEMORANDUM AND ATTACHED EXHIBITS (Filed Sep 07'18)	246-250	VOL. 2
OPPOSITION TO MOTION TO VACATE ILLEGAL SENTENCE (Filed Oct 20'21)	483-485	VOL. 4
ORDER SETTING HEARING (Filed Aug 06'18)	48	VOL. 1
ORDER SETTING HEARING (Filed Sep 10'18)	251	VOL. 2
ORDER CONCERNING BAIL (Filed Aug 06'18)	46-47	VOL. 1

INDEX OF PLEADINGS

	<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
1			
2			
3			
4	ORDER TO CONTINUE ARRAIGNMENT (Filed Jul 30'18)	39	VOL. 1
5	ORDER DISMISSING APPEAL (Filed Jan 21'22)	548-549	VOL. 5
6			
7	ORDER AND COMMITMENT (Filed Jul 23'18)	9-33	VOL. 1
8			
9	ORDER DISMISSING APPEALS (SUPREME COURT 83950) (Filed Jan 24'22)	638-639	VOL. 5
10			
11	ORDER DISMISSING APPEALS (SUPREME COURT) (Filed Jan 03'22)	540-542	VOL. 5
12			
13	ORDER DIRECTING TRANSMISSION OF RECORD, REGARDING BRIEFING, AND DENYING MOTION (SUPREME COURT) (Filed Dec 15'21)	636-637	VOL. 5
14			
15	ORDER DISMISSING APPEAL (SUPREME COURT) (Filed Jan 21'22)	546-547	VOL. 5
16			
17	ORDER DENYING PEREMPTORY CHALLENGE (Filed Nov 10'21)	508-509	VOL. 4
18			
19	ORDER FOR PAYMENT (Filed Oct 04'19)	423	VOL. 3
20			
21	ORDER (SUPREME COURT -- 83775) (Filed Dec 01'21)	517	VOL. 4
22			
23	ORDER (SUPREME COURT -- 83773) (Filed Dec 02'21)	518	VOL. 4
24			
25	ORDER OF AFFIRMANCE (SUPREME COURT ORDER) (Filed Mar 20'20)	426-428	VOL. 3
26			
27			
28			

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
ORDER DENYING PETITION (SUPREME COURT) (Filed Nov 23'21)	632-633	VOL. 5
ORDER TO FILE UNDER SEAL (Filed Sep 06'18)	235	VOL. 2
ORDER DENYING REHEARING (Filed Nov 09'21)	628	VOL. 5
ORDER TO SHOW CAUSE (Filed May 19'21)	441-442	VOL. 3
ORDER DIRECTING TRANSMISSION OF RECORD AND REGARDING BRIEFING (SUPREME COURT) (Filed Jan 12'22)	544-545	VOL. 5
ORDER DENYING MOTION TO VACATE SENTENCE (Filed Nov 10'21)	505-507	VOL. 4
ORDER DENYING MOTION TO COMPEL, VACATING OSC HEARING (Filed May 28'21)	451-452	VOL. 4
ORDER DISMISSING APPEALS (SUPREME COURT) (Filed Dec 07'21)	522-523	VOL. 4
ORDER (Filed Aug 12'21)	458-459	VOL. 4
ORDER DIRECTING TRANSMISSION OF RECORD AND REGARDING BRIEFING (SUPREME COURT) (Filed Dec 08'21)	524-525	VOL. 4
ORDER DENYING MOTION TO HOLD COUNSEL IN CONTEMPT AND DIRECTING COUNSEL TO RESEND PORTIONS OF CASE FILE (Filed Nov 10'21)	502-504	VOL. 4
ORDER DENYING WRIT OF HABEAS CORPUS - POST CONVICTION (Filed Oct 19'21)	612-614	VOL. 5

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
ORDER DENYING PETITION (SUPREME COURT) (Filed Oct 18'21)	610-611	VOL. 5
ORDER (SEALED) (Filed Sep 13'18)	252-259	VOL. 2
ORDER REGARDING MOTION FOR COMPLETE DOCKET SHEET (Filed Oct 15'21)	476-477	VOL. 4
ORDER DENYING MOTION TO HOLD JOHN MALONE IN CONTEMPT (Filed Oct 15'21)	478-479	VOL. 4
ORDER DENYING MOTION FOR MODIFICATION OF SENTENCE (Filed Oct 15'21)	480-481	VOL. 4
ORDER REGARDING MOTION FOR COMPLETE DOCKET SHEET (Filed Oct 15'21)	589-590	VOL. 5
ORDER DISCHARGING COUNSEL AND ORDERING COUNSEL TO PROVIDE DEFENDANT WITH CASE FILE (Filed May 21'20)	434-435	VOL. 3
ORDER (Filed Aug 12'21)	559-560	VOL. 5
ORDER SEALING EXHIBITS TO SENTENCING MEMORANDUM (Filed Aug 29'18)	232	VOL. 2
ORDER DENYING MOTION TO CHANGE OF VENUE (Filed Nov 10'21)	500-501	VOL. 4
PEREMPTORY CHALLENGE OF JUDGE (Filed Nov 08'21)	498-499	VOL. 4
PETITION FOR WRIT OF MANDAMUS (Filed Oct 15'21)	591-609	VOL. 5

INDEX OF PLEADINGS

	<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
1			
2			
3	PETITION FOR WRIT OF HABEAS CORPUS		
4	(POST CONVICTION)		
5	(Filed Aug 09'21)	552-558	VOL. 5
6	RECEIPT FOR DOCUMENTS		
7	(SUPREME COURT)		
8	(Filed Nov 19'18)	422	VOL. 3
9	RECEIPT FOR DOCUMENTS		
10	(SUPREME COURT)		
11	(Filed Sep 20'21)	586	VOL. 5
12	RECEIPT FOR DOCUMENTS		
13	(SUPREME COURT)		
14	(Filed Nov 17'21)	512	VOL. 4
15	RECEIPT FOR DOCUMENTS		
16	(SUPREME COURT)		
17	(Filed Oct 25'21)	625	VOL. 5
18	RECEIPT FOR DOCUMENTS - 83950		
19	(Filed Dec 23'21)	534	VOL. 4
20	RECEIPT FOR DOCUMENTS - 83951		
21	(Filed Dec 23'21)	535	VOL. 4
22	RECEIPT FOR DOCUMENTS - 83952		
23	(Filed Dec 23'21)	536	VOL. 4
24	RECEIPT FOR DOCUMENTS		
25	(SUPREME COURT)		
26	(Filed Dec 02'21)	635	VOL. 5
27	RECEIPT FOR DOCUMENTS		
28	(NEVADA SUPREME COURT)		
	(Filed Dec 02'21)	634	VOL. 5
	RECEIPT FOR DOCUMENTS		
	(SUPREME COURT)		
	(Filed Dec 02'21)	519	VOL. 4
	RECEIPT FOR DOCUMENTS		
	(SUPREME COURT)		
	(Filed Dec 02'21)	520	VOL. 4

1 Case No. 2018-CR-00084/00116

RECEIVED

FILED

2 Dept. No. II

MAY 26 2021

2021 MAY 26 PM 3:37

3 Douglas County
4 District Court Clerk

GOBBIE R. WILLIAMS
CLERK

[Signature]
CLERK

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

8
9 THE STATE OF NEVADA,

10 Plaintiff,

RESPONSE TO

11 ORDER TO SHOW CAUSE

12 Vs.

13
14 MICHAEL LUIS COTA,

15 Defendant.
16 _____

17
18
19 Upon receiving this court's May 21, 2020 *Order Discharging Counsel and Ordering*
20 *Counsel to Provide Defendant with Case File*, counsel prepared a copy of Defendant Michael
21 Luis Cota's case file and mailed it via USPS to Defendant's last known residence at Ely State
22 Prison, Nevada.

23
24 See Exhibit 1: Photocopy receipts and receipts for USPS shipment to the State Prison
25 located in Ely, Nevada. (Counsel paid for signed confirmation for delivery as is reflected in the
26 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.

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8
9
10 DATED: 5-26-21

Respectfully submitted:

John E. Malone

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

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

18
19
20 Douglas County District Attorney's Office

(Hand Delivery)

21 P.O. Box 218

22 Minden, Nevada 89423

23
24 Michael Cota

(Mail)

25 Inmate Number # 1206075

26 Ely State Prison

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

28 Ely, Nevada 89301

RECEIVED

FILED

MAY 28 2021

1 Case No. 2018-CR-00084/00116

2 Dept. No. II

Douglas County
District Court Clerk

2021 MAY 28 AM 9:49

BOBBIE R. WILLIAMS
CLERK

BY C. Williams 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 COMPEL,
VACATING OSC HEARING

12 MICHAEL LUIS COTA,

13 Defendant.

14
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.

25

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27

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Thomas W. Gregory
THOMAS W. GREGORY
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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JUL 28 2021

Douglas County
District Court Clerk

FILED

2021 JUL 28 AM 10:14

BOBBIE R. WILLIAMS
CLERK

9th JUDICIAL DISTRICT COURT BY [Signature] DEPUTY
DOUGLAS COUNTY NEVADA

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 176A.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. CHOCOLATES. HE HAS ALWAYS WANTED TO
2 LEARN ~~TO~~ TO DO AUTO BODY WORK SO HE WILL BE
3 ATTENDING TRADE SCHOOL. MR COSTA HAS CHANGED
4 HIS VIEW OF LIFE AND ASKS THIS COURT FOR A SENTENCE
5 MODIFICATION OF 1-3 YEARS ON CASE 18-CR-0116.
6 MR ~~DON~~ 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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24 Dated this 26th day of July, 2021.
25
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27 By: M. J. Coble II
28

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 26th day of July, 2021.

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

T.

FILED

1 Case No. 2018-CR-00116
2 Dept. No. II

RECEIVED

2021 AUG 12 AM 8:52

AUG 12 2021

BURDIE R. WILLIAMS
CLERK

Douglas County
District Court Clerk

Kump
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

12 MICHAEL LUIS COTA,
13 Defendant.

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.

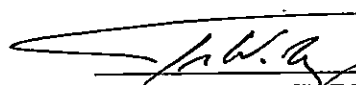
18 Defendant shall serve a conforming copy of the Motion on the
19 District Attorney and file proof of service with the Court no
20 later than September 12, 2021. Failure to comply will result in

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

IT IS SO ORDERED.

DATED this 12th day of August, 2021.


THOMAS W. GREGORY
DISTRICT JUDGE

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

Michael Cota
#1206075
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301

(Mail)

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


Erin C. Plante

RECEIVED

NINTH JUDICIAL DISTRICT COURT

FILED

AUG 16 2021

DOUGLAS COUNTY NEVADA

2021 AUG 16 AM 10:57

Douglas County
District Court Clerk

BOBBIE R. WILLIAMS
CLERK

MICHAEL COTA

CASE NO's

18 CR-0084

PLAINTIFF

BY 18 CR-0116

VS

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. MRS. J. 210 DEALS IN THIS COURT'S NOT ONLY AUTHORITY BUT RESPONSIBILITY TO ENFORCE ITS RULINGS.

1 MR MALONE IS NOW IN CONTEMPT OF COURT AS OUTLINED
2 IN NRS 199.340, WHICH STATES A PERSON IS GUILTY
3 OF CONTEMPT FOR "WILLFUL DISOBEDIENCE TO A LAWFUL
4 PROCESS OR MANDATE OF THE COURT"

5 IN CLOSING BY JOHN MALONE'S RETAINING MR COTAS
6 FILE HE HAS DISPLAYED CONTEMPT. MR COTA
7 REFERS THE COURT TO IN RE YOUT 93 AZ 322, 380 P2D
8 780 AND STALEY VS. ALVEY 524 P2D 747 AND
9 IN RE SULLIVAN 510 P2D 1199. ALL THESE CASES
10 DEAL WITH ATTORNEYS WHO VIOLATE COURT ORDERS.
11 THIS IS A SERIOUS ISSUE AND THIS COURT MUST
12 RESOLVE IT.

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24 Dated this 13th day of August, 2021

25
26 By: MR COTA II

AFFIRMATION

Pursuant to NRS 239b.030

The undersigned does hereby affirm that the preceding document, _____

MOTION TO HOLD JOHN MACONE IN CONTEMPT

18CR-0084 (Title of Document)
Filed in case number: 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. P. Cota II
(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

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 10:06

DOBBIE R. WILLIAMS
CLERK

BY  DEPUTY

MICHAEL COTA

CASE NO:

PRISONER

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 THOSE 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 

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

ROBBIE R. WILLIAMS
CLERK

NINTH JUDICIAL DISTRICT COURT

DOUGLAS COUNTY NEVADA

BY [Signature] DEPUTY

MICHAEL COTA

CASE NOS

DEFENDANT

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]

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.

x M. Cota

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

RECEIVED

MEMORANDUM OF POINTS AND AUTHORITIES

FILED

SEP 27 2021

Douglas County
District Court Clerk

JUDICIAL DISTRICT COURT

2021 SEP 27 AM 10:18
JUVENILE DIVISION

DOUGLAS COUNTY NEVADA

BOBBIE R. WILLIAMS
CLERK

BY  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  MICHAEL 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 22ND day of September, 2021.

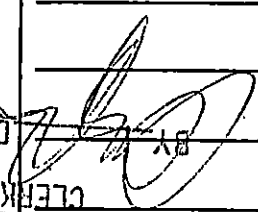


MICHAEL COTA #1206075
ELY STATE PRISON
P.O. BOX 1989
Ely, NV. 89301
Plaintiff In Pro Se

MEMORANDUM OF POINTS AND AUTHORITIES

RECEIVED
SEP 27 2021
Douglas County
District Court Clerk

WILKINSON JUDICIAL DISTRICT COURT
DOUGLAS COUNTY, NEBRASKA

2021 SEP 27 AM 10:48
BOBBIE R. WILLIAMS
CLERK
BY  DEPUTY

MICHAEL COTA

PLAINTIFF

VS

STATE OF NEBRASKA

Defendant

MOTION TO SUBMIT FOR DECISION

APPROX 6 WEEKS AGO MR COTA FILED A REQUEST TO

COMPULSORY DISCOVERY TO PROVIDE HIM ALL CASE RECORDS

IN HIS POSSESSION. MR. COTA HAS HAD NO INVOLVEMENT

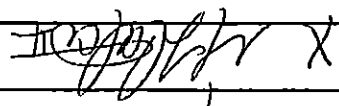
WITH MR COTA FOR OVER A YEAR, IS NO LONGER ATTORNEY

OF RECORD. MRS 7.055 AND NEVSUP OF Rule 166(4)

GIVE MR COTA ABSOLUTE RIGHT TO THESE RECORDS.

THIS MUST BE SUBMITTED FOR DECISION.


DATED THIS 22ND DAY OF SEPTEMBER 2021

X 

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 2nd day of September, 2021.


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

RECEIVED

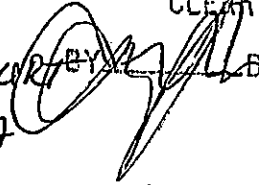
OCT 12 2021

Douglas County
District Court Clerk

FILED

2021 OCT 12 AM 9:52

BOBBIE R. WILLIAMS
CLERK

9th JUDICIAL DISTRICT COURT BY  DEPUTY
DOUGLAS COUNTY NEVADA

NAME, MICHAEL COTA

Plaintiff(s),

-vs-

NAME, STATE OF NEVADA

Defendant(s).

CASE NO.

18-CR-0084

18-CR-0116

MOTION TO VACATE ILLEGAL SENTENCE

COMES NOW, PLAINTIFF in PRO PER and herein above respectfully

Moves this Honorable Court for a ORDER TO VACATE THE ILLEGAL
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 (SINGULAR) 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 STORED 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. [Signature]

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCR 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: [Signature]

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

2 Dept. No. II

RECEIVED

OCT 15 2021

Douglas County
District Court Clerk

FILED

2021 OCT 15 AM 10:29

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 REGARDING MOTION FOR
COMPLETE DOCKET SHEET

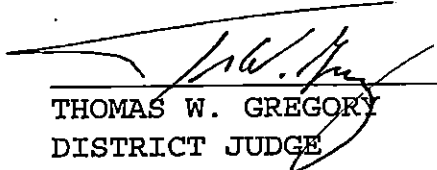
12 MICHAEL LUIS COTA,

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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1 Case No. 2018-CR-00116

RECEIVED

FILED

2 Dept. No. II

OCT 15 2021

2021 OCT 15 AM 10:34

3 Douglas County
4 District Court Clerk

BOBBIE R. WILLIAMS
CLERK

BY  DEPUTY

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 DENYING MOTION TO HOLD
JOHN MALONE IN CONTEMPT

12 MICHAEL LUIS COTA,

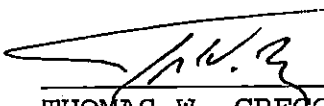
13 Defendant.
14

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 19th day of October, 2021.

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

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

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

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

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

16
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28
Erin C. Plante
Erin C. Plante

1 Case No. 2018-CR-00084/00116

2 Dept. No. II

RECEIVED

OCT 15 2021

Douglas County
District Court Clerk

FILED

2021 OCT 15 AM 10:39

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 FOR
MODIFICATION OF SENTENCE

12 MICHAEL LUIS COTA,

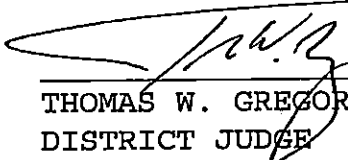
13 Defendant.

14
15 THIS MATTER comes before the Court on Defendant's Motion to
16 Modify Sentence filed on July 28, 2021. The Court ordered
17 Defendant to serve the State and file proof of service. Order,
18 August 12, 2021. To date, Defendant has not filed proof of
19 service.

20 Defendant's Motion to Modify Sentence is DENIED.

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 delivery on October 15th, 2021,
2 addressed to:

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

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

Erin C. Plante
Erin C. Plante

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

2 Dept. No. II

3 RECEIVED

4 OCT 15 2021

5 Douglas County
District Court Clerk

FILED

2021 OCT 15 PM 4:29

BOBBIE R. WILLIAMS
CLERK

BY *C. Williams* DEPUTY

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

8
9 STATE OF NEVADA,

10 Plaintiff,

11 vs.

CERTIFICATE OF SERVICE

12 MICHAEL L COTA,

13 Defendant.

14

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

21 DATED this 15th day of October 2021.

22

23

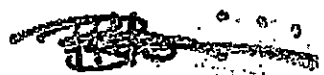
24

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28


CLERK OF THE COURT

C. Williams
DEPUTY CLERK

RECEIVED

FILED

OCT 20 2021

2021 OCT 20 PM 12:58

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

Dept No. II

Douglas County
District Court Clerk

BOBBIE R. WILLIAMS
CLERK

DA 0011011

BY  DEPUTY

This document does not contain personal information of any person

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

THE STATE OF NEVADA,

Plaintiff,

v.

MICHAEL LUIS COTA, JR.,

Defendant.

**OPPOSITION TO MOTION TO
VACATE ILLEGAL SENTENCE**

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

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

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
20
21
22
23
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25
26
27
28

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
IN THE COUNTY OF DOUGLAS, STATE OF NEVADA

7

8

9

THE STATE OF NEVADA,

10

Plaintiff,

11

v.

CERTIFICATE OF SERVICE

12

MICHAEL LUIS COTA, JR.,

13

Defendant.

14

15

16

17

18

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

19

addressed to:

20

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

21

22

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 28 2021

Douglas County
District Court Clerk

FILED

2021 OCT 28 PM 3:05

DOBBIE R. WILLIAMS
CLERK

DEPUTY

NINTH JUDICIAL DISTRICT COURT
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 THE 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 TRAVELED TO 3 DIFFERENT LOCATIONS IN 2 CITIES. MR MALONE HAS PROVIDED FALSE INFORMATION TO THIS COURT, HE IS IN FACT IN VIOLATION OF THIS COURT'S MAY 21, 2020 COURT ORDER AND SHOULD BE HELD IN CONTEMPT. PLEASE SEE EXHIBIT ONE

DATED THIS 21ST DAY OF OCTOBER 2021

2 x M2 Cota II

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 NRCR Rule 5 (b), I hereby certify that I am the Petitioner/Defendant named herein
and that on this 21ST day of OCTOBER 2021, 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 ATT
P.O. Box 218

MINDEN NV 89423

BY: M2Ceta

EXHIBIT ONE

EXHIBIT ONE

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 3:37

DOBBIE R. WILLIAMS
CLERK

K. WILFERT DEPUTY

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

9 THE STATE OF NEVADA,

10 Plaintiff,

RESPONSE TO

11 ORDER TO SHOW CAUSE

12 Vs.

13
14 MICHAEL LUIS COTA,

15 Defendant.
16
17
18

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

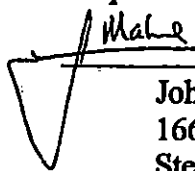
23
24 See Exhibit 1: Photocopy receipts and receipts for USPS shipment to the State Prison
25 located in Ely, Nevada. (Counsel paid for signed confirmation for delivery as is reflected in the
26 receipt but did not receive delivery confirmation from the USPS).
27
28

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


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

(Hand Delivery)

21 P.O. Box 218

22 Minden, Nevada 89423

23
24 Michael Cota

(Mail)

25 Inmate Number # 1206075

26 Ely State Prison

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

28 Ely, Nevada 89301

Case No. 2018-CR-00084/00116

Dept. No. II

RECEIVED

MAY 26 2021

Douglas County
District Court Clerk

FILED

2021 MAY 26 PM 3:36

BOBBIE R. WILLIAMS
CLERK

K. WILFERT DEPUTY

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

THE STATE OF NEVADA,

Plaintiff,

AFFIDAVIT OF ATTORNEY JOHN E. MALONE

IN SUPPORT OF THE RESPONSE TO ORDER

TO SHOW CAUSE

vs.

MICHAEL LUIS COTA,

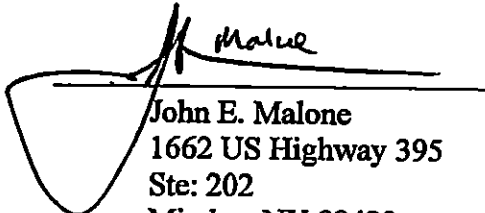
Defendant

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

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

(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
25.
26.
27.
28.



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

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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: A00000000021010

STEAMBOAT
75 MCCABE DR
RENO, NV 89511-9998
317289-0680
(800)275-8777
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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)

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OCT 28 2021

Douglas County
District Court Clerk

2021 OCT 28 PM 3:09

BODINE 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 M Cota /

RECEIVED

NOV 08 2021

Douglas County
District Court Clerk

FILED

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

2021 NOV -8 AM 11:48

BOBBIE R. WILLIAMS
CLERK

DEPUTY

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

, 200- 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

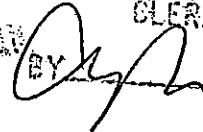
NOV 10 2021

Douglas County
District Court Clerk

FILED

2021 NOV 10 PM 3:33

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.

12 MICHAEL COTA,

13 Defendant.

ORDER DENYING MOTION
TO CHANGE VENUE

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

21 Defendant's Motion to Change Venue is DENIED.

22 IT IS SO ORDERED.

23 DATED this 16th day of November, 2021.

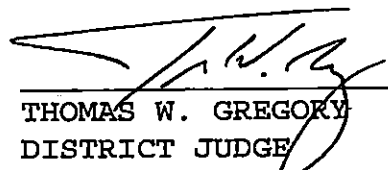
24

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26

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28


THOMAS W. GREGORY
DISTRICT JUDGE

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2 addressed to:

3 Douglas County District Attorney's Office (Hand Delivery)
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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

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

2 Dept. No. II

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NOV 10 2021

Douglas County
District Court Clerk

FILED

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BOBBIE R. WILLIAMS
CLERK

BY *[Signature]* 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.)

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.

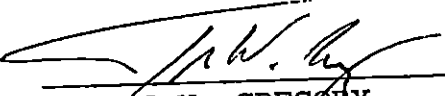
16 On October 28, 2021, Defendant filed the pending, second
17 successive Motion to hold John Malone in Contempt/Show Cause.
18 Defendant claims he did not receive "all of the deliveries"
19 represented by his former counsel to have been sent. Defendant
20 does not specify what he is missing and his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

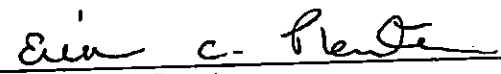
8 
9 THOMAS W. GREGORY
10 DISTRICT JUDGE

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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
22 1601 Fairview Drive
Suite H
Carson City, Nevada 89701

23 
24 Erin C. Plante
25
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28

FILED

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

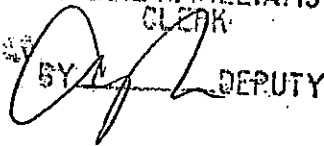
2 Dept. No. II

2021 NOV 10 PM 3:34

3 RECEIVED

4 NOV 10 2021

5 Douglas County
District Court Clerk

BOBBE 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.

ORDER DENYING MOTION
TO VACATE SENTENCE

12 MICHAEL COTA,

13 Defendant.
14 _____/

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

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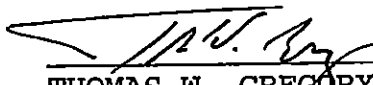
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THOMAS W. GREGORY
DISTRICT JUDGE

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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

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2021 NOV 10 PM 3:34

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.

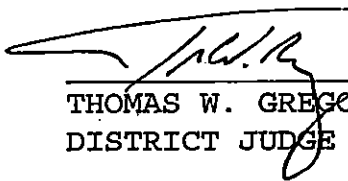
ORDER DENYING
PEREMPTORY CHALLENGE

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

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9 Ely State Prison
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Erin C. Plante
Erin C. Plante

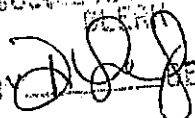
FILED Form 2. Case Appeal Statement

2021 NOV 15 AM 9:40 No. 2018 GR-00116

Dept. No. II

BORNE R. WILLIAMS
CLERK

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

BY  DEPUTY

MICHAEL COTA,

Appellant,

vs

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

Respondent.

RECEIVED

NOV 15 2021

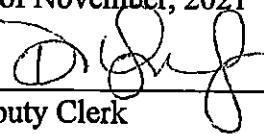
Douglas County
District Court Clerk

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 7/25/2018.

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

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

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-00084/18-CR-00116
00116

FILED

2021 NOV 17 AM 9:40

CLERK

REPUTY

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

FILED

2021 NOV 18 AM 10:45

DOUGLAS J. WILLIAMS

CLERK

BY

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 US 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

FILED

NOV 18 2021

NOV 18 AM 10:46

Douglas County
District Court Clerk

DEBORAH R. WILLIAMS
CLERK

BY [Signature] 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 MICHAEL COTA II /

RECEIVED

NOV 18 2021

Douglas County
District Court Clerk

FILED

2021 NOV 18 AM 10:45

ROBERT L. 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 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

RECEIVED

NOV 18 2021

Douglas County
District Court Clerk

FILED

2021 NOV 18 AM 10:45

WILLIAMS
CLERK

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 ON THIS COURTS

DENIAL OF PREMPATORY 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

516

RECEIVED

DEC 1 2021

Douglas County
District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL LUIS COTA,
Appellant,
vs.
WILLIAM A. GITTERE, WARDEN,
NEVADA DEPARTMENT OF
CORRECTIONS,
Respondent.

2021 DEC -1 AM 10:28

FILED
No. 89773

FILED
DEPUTY CLERK

NOV 29 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER

On October 28, 2021, appellant filed a notice of appeal in district court case number 2018-CR-00116. The clerk of this court erroneously docketed the notice of appeal as a second notice of appeal in the instant case. Accordingly, the clerk of this court shall remove the notice of appeal erroneously docketed in this case on November 15, 2021, from the docket of this case, and docket it as a separate appeal.

It is so ORDERED.

1. J. J. J., C.J.

cc: Hon. Thomas W. Gregory, District Judge
Michael Luis Cota
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk

RECEIVED

DEC -1 2021

Douglas County
District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

2021 DEC -1 AM 10:29

No. 83775

ROBERT L. WILLIAMS
CLERK

FILED

NOV 29 2021

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

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

ORDER

On October 28, 2021, appellant filed a notice of appeal in district court case number 2018-CR-00116. The clerk of this court erroneously docketed the notice of appeal as a second notice of appeal in the instant case. Accordingly, the clerk of this court shall remove the notice of appeal erroneously docketed in this case on November 16, 2021, from the docket of this case, and docket it as a separate appeal.

It is so ORDERED.

[Signature], C.J.

cc: Hon. Thomas W. Gregory, District Judge
Michael Luis Cota
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk

RECEIVED

DEC - 2 2021

Douglas County
District Court Clerk

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

2021 DEC -2 PM 3:43

MICHAEL LUIS COTA,
Appellant,

vs.

WILLIAM A. GITTERE, WARDEN, NEVADA DEPARTMENT OF CORRECTIONS,
Respondent.

Supreme Court No. 83841

District Court Case No. 18-CR-00116

BOBBIE W. WILLIAMS
CLERK

MARK B. JACKSON
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:

11/30/2021 Appeal Filing Fee waived. Criminal. (SC)

11/30/2021 Filed Notice of Appeal/Proper Person. Appeal docketed in the
Supreme Court this day. (18-CR-00116) (SC)

DATE: November 30, 2021

Elizabeth A. Brown, Clerk of Court
lh

RECEIVED

DEC - 2 2021

Douglas County
District Court Clerk

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

2021 DEC -2 PM 1:49

MICHAEL LUIS COTA,
Appellant,
vs.

THE STATE OF NEVADA,
Respondent.

BOBBIE W. WILLIAMS
CLERK

[Signature]
DEPUTY

Supreme Court No. 83842
District Court Case No. 18-CR-00116

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:

11/30/2021 Appeal Filing Fee waived. Criminal. (SC)
11/30/2021 Filed Notice of Appeal/Proper Person. Appeal docketed in the
Supreme Court this day. (18-CR-00116) (SC)

DATE: November 30, 2021

Elizabeth A. Brown, Clerk of Court
lh

FILED
IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL LUIS COTA,

Petitioner,

vs.

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

Respondent,

and

THE STATE OF NEVADA,

Real Party in Interest.

2021 DEC -2 PM

Supreme Court No. 83521

District Court Case No. 18-CR-00084;18-CR-

00116 ✓

BOBBIE W. WILLIAMS

CLERK

DEPUTY

RECEIVED

DEC - 2 2021

Douglas County
District Court Clerk

NOTICE IN LIEU OF REMITTITUR

TO THE ABOVE-NAMED PARTIES:

The decision and Order of the court in this matter having been entered on November 5th, 2021, and the petition for rehearing having been denied, notice is hereby given that the Order and decision entered herein has, pursuant to the rules of this court, become effective.

DATE: November 30, 2021

Elizabeth A. Brown, Clerk of Court

By: Rory Wunsch
Deputy Clerk

cc: Douglas County District Attorney/Minden
Michael Luis Cota
Bobbie W. Williams, Douglas County Clerk

FILED

2021 DEC -7 IN THE SUPREME COURT OF THE STATE OF NEVADA
DOUGLAS COUNTY
District Court Clerk

RECEIVED

DEC -7 2021

DOUGLAS R. WILLIAMS,
CLERK

BY [Signature] DEPUTY
MICHAEL LUIS COTA,
Appellant,

No. 83775 ✓

vs.

THE STATE OF NEVADA,
Respondent.

MICHAEL LUIS COTA,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

No. 83942 18-CR-00116

FILED

DEC 03 2021

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

ORDER DISMISSING APPEALS

These are pro se appeals from a district court "order denying motion to hold John Malone in contempt."¹ Ninth Judicial District Court, Douglas County; Thomas W. Gregory, Judge.

Because no statute or court rule permits an appeal from the aforementioned order, this court lacks jurisdiction to consider these appeals. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Accordingly, this court

ORDERS these appeals DISMISSED.

[Signature] J.
Parraguirre

[Signature] J.
Stiglich

[Signature] J.
Silver

¹It appears that the order was only entered in district court case number 2018-CR-00116.

cc: Hon. Thomas W. Gregory, District Judge
Michael Luis Cota
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk

FILED

RECEIVED

DEC - 8 2021

IN THE SUPREME COURT OF THE STATE OF NEVADA
Douglas County District Court Clerk

BODDIE R. WILLIAMS

CLERK

BY *[Signature]* No. 88841

MICHAEL LUIS COTA,
Appellant,

vs.

WILLIAM A. GITTERE, WARDEN,
NEVADA DEPARTMENT OF
CORRECTIONS,

Respondent.

FILED

DEC 06 2021

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

2018 CR 00116

**ORDER DIRECTING TRANSMISSION OF RECORD
AND REGARDING BRIEFING**

Having reviewed the documents on file in this pro se appeal, this court has concluded that its review of the complete record is warranted. See NRAP 10(a)(1). Accordingly, the clerk of the district court shall have 30 days from the date of this order to transmit to the clerk of this court a certified copy of the complete trial court record of this appeal. See NRAP 11(a)(2). The record shall include copies of documentary exhibits submitted in the district court proceedings, but shall not include any physical, non-documentary exhibits or the original documentary exhibits. The record shall also include any presentence investigation reports submitted in a sealed envelope identifying the contents and marked confidential. See NRS 176.156(5).

Within 120 days, appellant may file either (1) a brief that complies with the requirements in NRAP 28(a) and NRAP 32; or (2) the "Informal Brief Form for Pro Se Parties" provided by the supreme court clerk. NRAP 31(a)(1). If no brief is submitted, the appeal may be decided on the record on appeal. NRAP 34(g). Respondent need not file a response

to any brief filed by appellant, unless ordered to do so by this court. NRAP 46A(c). This court generally will not grant relief without providing an opportunity to file a response. *Id.*

It is so ORDERED.

Paladino C.J.

cc: Michael Luis Cota
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk

Form 2. Case Appeal Statement

No. 2018-CR-00116

Dept. No. II

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

STATE OF NEVADA,

Plaintiff,

vs

MICHAEL COTA,

Defendant.

FILED

2021 DEC 14 PM 4:30

RECEIVED
BY: [Signature]
DEPUTY CLERK

DEC 14 2021

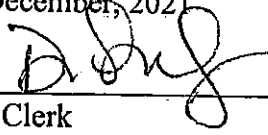
Douglas County
District Court Clerk

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 represented by appointed John Malone, the Court discharged John Malone on 5/21/2020. The defendant is now representing himself.
7. Indicate whether appellant is represented by appointed or retained counsel on appeal:
John Malone represented the defendant for the Notice of Appeal of the Judgment of Conviction only.
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 7/25/2018.

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 Peremptory Challenge entered on 11/10/2021.
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. 83842, 83841, 83775, 83773
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 14th day of December, 2021



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

Form 2. Case Appeal Statement

No. 2018-CR-00116

Dept. No. II

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

FILED

2021 DEC 14 PM 4:30

BY *[Signature]* DEPUTY
CLERK

STATE OF NEVADA,

Plaintiff,

vs

MICHAEL COTA,

Defendant.

RECEIVED

DEC 14 2021

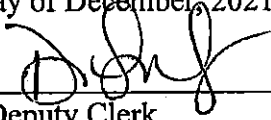
Douglas County
District Court Clerk

CASE APPEAL STATEMENT

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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):
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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:
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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 Counsel in Contempt and Directing Counsel to Resend Portions of Case File entered on 11/10/2021.
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. 83842, 83841, 83775, 83773
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13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:
No.

Dated this 14th day of December, 2021



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

Form 2. Case Appeal Statement

No. 2018-CR-00116

FILED

Dept. No. II

2021 DEC 14 PM 4:31

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

ROBERT E. WILLIAMS
CLERK
DEPUTY

STATE OF NEVADA,

RECEIVED

Plaintiff,

DEC 14 2021

Douglas County
District Court Clerk

vs

MICHAEL COTA,

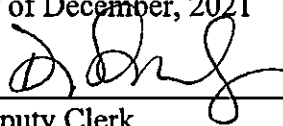
Defendant.

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:
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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:
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No.

Dated this 14th day of December, 2021



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

Form 2. Case Appeal Statement

No. 2018-CR-00116

FILED

Dept. No. II

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

2021 DEC 14 PM 4:31

BY *[Signature]* DEPUTY

STATE OF NEVADA,

Plaintiff,

RECEIVED

DEC 14 2021

Douglas County
District Court Clerk

vs

MICHAEL COTA,

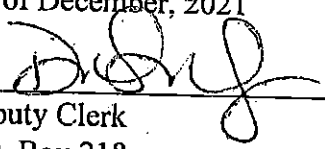
Defendant.

CASE APPEAL STATEMENT

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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 Vacate Sentence entered on 11/10/2021.
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. 83842, 83841, 83775, 83773.
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 14th day of December, 2021


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

RECEIVED

DEC 23 2021 IN THE SUPREME COURT OF THE STATE OF NEVADA

OFFICE OF THE CLERK

Douglas County
District Court Clerk

2021 DEC 23 AM 11:40

MICHAEL LUIS COTA,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

BOBBIE R. WILLIAMS
CLERK

[Signature]
DEPUTY

Supreme Court No. 83950

District Court Case No. 18-CR-00116

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:

12/21/2021 Appeal Filing Fee waived. Criminal. (SC)

12/21/2021 Filed Notice of Appeal/Proper Person. Appeal docketed in the Supreme Court this day. (SC)

DATE: December 21, 2021

Elizabeth A. Brown, Clerk of Court

lh

RECEIVED

DEC 23 2021

Douglas County
District Court Clerk

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

2021 DEC 23 AM 11:40

MICHAEL LUIS COTA,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

BOBBIE R. WILLIAMS
CLERK

[Signature]
CLERK

Supreme Court No. 83951

District Court Case No. 18-CR-00116

RECEIPT FOR DOCUMENTS

TO: Michael Luis Cota

Douglas County District Attorney/Minden I 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:

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**12/21/2021 Filed Notice of Appeal/Proper Person. Appeal docketed in the
Supreme Court this day. (SC)**

DATE: December 21, 2021

Elizabeth A. Brown, Clerk of Court

lh

RECEIVED

DEC 23 2021

Douglas County
District Court Clerk

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

2021 DEC 23 AM 11:40

MICHAEL LUIS COTA,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

BOBBIE R. WILLIAMS
CLERK

[Signature]
BY COUNTY

Supreme Court No. 83952
District Court Case No. 18-CR-00116

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:

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12/21/2021 Filed Notice of Appeal/Proper Person. Appeal docketed in the
Supreme Court this day. (SC)

DATE: December 21, 2021

Elizabeth A. Brown, Clerk of Court
lh

RECEIVED

DEC 23 2021

Douglas County
District Court Clerk

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

2021 DEC 23 AM 11:40

MICHAEL LUIS COTA,
Appellant,
vs.

BOBBIE R. WILLIAMS
CLERK

Supreme Court No. 83953
District Court Case No. 18-CR-00116

THE STATE OF NEVADA,
Respondent.

RECEIPT FOR DOCUMENTS

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

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DATE: December 21, 2021

Elizabeth A. Brown, Clerk of Court
lh