

# IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK HEARRING, JR.,  
Appellant(s),

vs.

THE STATE OF NEVADA,  
Respondent(s),

Electronically Filed  
Mar 14 2022 01:12 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No: C-13-291159-1  
*Related Case A-19-790102-W*  
Docket No: 84258

# RECORD ON APPEAL VOLUME 3

**ATTORNEY FOR APPELLANT**  
FRANK HEARRING # 1006445,  
PROPER PERSON  
P.O. BOX 1989  
ELY, NV 89301

**ATTORNEY FOR RESPONDENT**  
STEVEN B. WOLFSON,  
DISTRICT ATTORNEY  
200 LEWIS AVE.  
LAS VEGAS, NV 89155-2212

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 19, 2015**

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C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

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**November 19, 2015      9:00 AM      Request**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Linda Skinner

**RECORDER:**

**REPORTER:** Amber McClane

**PARTIES**

**PRESENT:** Jones, Jr., John T.      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Court noted Defendant is in prison and not present today, that he would like a copy of his Pre-sentence Report (PSI). Upon Court's inquiry, Mr. Jones took no position. COURT ORDERED, Pro Per Request is GRANTED IN PART/DENIED IN PART - it is GRANTED as to the request for the Pre-sentence Report and DENIED WITHOUT PREJUDICE as to other documents without specific requests. FURTHER, Clerk to send a copy of the PSI to Defendant.

NDC

CLERK'S NOTE: Clerk to send a copy of the PSI to the following address:

Frank Herring #1006445

Ely State Prison

P.O. Box 1989

Ely, NV 89301



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 23, 2016**

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C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

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**February 23, 2016      8:30 AM      Request**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Linda Skinner

**RECORDER:**

**REPORTER:** Amber McClane

**PARTIES**

**PRESENT:**      Rowles, William C.      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Court noted Defendant is in the Nevada Department of Corrections and not present today. Upon Court's inquiry, Mr. Rowles submitted on the written pleadings. Court noted Defendant has filed an appeal to the Supreme Court and that he does not have a right to discovery pending an appeal. As this Court does not have jurisdiction to hear Defendant's Motion, COURT ORDERED, DENIED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 29, 2016**

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C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

---

**March 29, 2016      8:30 AM      Motion**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Linda Skinner

**RECORDER:**

**REPORTER:** Amber McClane

**PARTIES**

**PRESENT:**      Lexis, Chad N.      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Court noted Defendant is in prison and not present today. Mr. Lexis advised he believes the Court has already signed an Order denying this Motion. Following colloquy, COURT ORDERED, Pro Per Motion DENIED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 31, 2017**

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C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Hearring

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**October 31, 2017      8:30 AM      Motion**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Linda Skinner

**RECORDER:** Trisha Garcia

**REPORTER:**

**PARTIES**

**PRESENT:**      State of Nevada      Plaintiff  
                         Thomson, Megan      Attorney

**JOURNAL ENTRIES**

- Defendant is in prison and not present today. There being nothing outstanding before the Court,  
COURT ORDERED, Pro Per Motion GRANTED.

NDC

CLERK'S NOTE: 11/8/17 A copy of this Minute Order was mailed to Defendant:

FRANK HEARRING, JR #1006445  
SOUTHERN DESERT CORRECTIONAL CENTER  
P.O. BOX 208  
INDIAN SPRINGS, NV 89070

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 02, 2018**

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C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

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**January 02, 2018      8:30 AM      Motion to Modify Sentence**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Linda Skinner

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

**PRESENT:**      State of Nevada      Plaintiff  
                         Thomson, Megan      Attorney

**JOURNAL ENTRIES**

- Defendant is in prison and not present today. Court noted that generally the District Court lacks jurisdiction to modify a sentence once Defendant has started serving it. As authority, if Defendant can demonstrate the sentence was based on a materially untrue assumption or mistake of fact which worked to the extreme detriment of the Defendant it can be changed. In this case the Defendant claims the Detectives and Crime Scene Analysts were deficient in their investigation of this case and failed to investigation the entirety of the crime. Court advised this is not a basis for modifying a sentence. THEREFORE, COURT ORDERED, Motion DENIED.

NDC

CLERK'S NOTE: 1/4/18 A copy of this Minute Order was mailed to Defendant:

FRANK HEARRING #1006445  
SOUTHERN DESERT CORRECTIONAL CENTER  
P.O. BOX 208  
INDIAN SPRINGS, NV 89070-0208

PRINT DATE: 03/14/2022

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Minutes Date: July 18, 2013

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 23, 2018**

---

C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

---

**January 23, 2018      8:30 AM      Motion to Compel**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Linda Skinner

**RECORDER:** Sandra Pruchnic

**REPORTER:**

**PARTIES**

**PRESENT:**      Beverly, Leah C      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Defendant is in prison and not present today. Court noted it is unclear what Defendant wants Mr. Arnold to compel to, but feels it might be his file. Therefore, COURT ORDERED, Motion GRANTED and Mr. Arnold is directed to send the file to Defendant.

NDC

CLERK'S NOTE: A copy of this Minute Order was e-mailed to Mr. Arnold and a hard copy mailed to Defendant:

FRANK HEARRING, JR #1006445  
SOUTHERN DESERT CORRECTIONAL CENTER  
P.O. BOX 208  
INDIAN SPRINGS, NV 89070

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 28, 2018**

C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

**June 28, 2018      9:00 AM      Motion to Compel**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Linda Skinner

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

**PRESENT:**      State of Nevada      Plaintiff  
                         Wong, Hetty O.      Attorney

**JOURNAL ENTRIES**

- Defendant is in prison and not present today. Court noted that in January 2018, Court Ordered Mr. Arnold to turn over his file to Defendant, however, Defendant claims that he has not received it. COURT ORDERED, matter SET for hearing in THIRTY (30) DAYS for a Show Cause Hearing for Mr. Arnold to either demonstrate that he has sent the file to Defendant or to show cause why he hasn't complied with the Court's January Order.

NDC

7/26/18 9:00 AM SHOW CAUSE HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 31, 2018**

---

C-13-291159-1      State of Nevada  
vs  
Frank Herring

---

**July 31, 2018      8:30 AM      Show Cause Hearing**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**      Kern, Samuel R.      Attorney  
State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Deft. not present; not transported. Former counsel Carl Arnold, Esq., not present. COURT ORDERED, matter CONTINUED for Mr. Arnold to appear and make representations regarding whether the case file was turned over to Deft.

NDC

8/02/18 8:30 A.M. SHOW CAUSE HEARING

CLERK'S NOTE: JEA notified Mr. Arnold regarding next Court date. /// sb

CLERK'S NOTE: A copy of the above minute order was delivered by regular mail to Frank Herring, #1006445, Southern Desert Correctional Center, P.O. BOX 208, Indian Springs, Nevada 89018. /// sb

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 02, 2018**

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C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

---

**August 02, 2018      8:30 AM      Show Cause Hearing**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**      Holthus, Mary Kay      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Deft. not present; was not transported and is incarcerated in Nevada Department of Corrections (NDC). Former counsel Carl Arnold, Esq., not present. At request of Mr. Arnold, which was made to Chambers prior to the case being called, COURT ORDERED, matter CONTINUED for Mr. Arnold to appear and make representations regarding whether the case file was turned over to Deft. FURTHER, Mr. Arnold to turn over the case file to Deft, if not already done so.

NDC

9/04/18 8:30 A.M. SHOW CAUSE HEARING

CLERK'S NOTE: JEA notified Mr. Arnold regarding next Court date. /// sb

CLERK'S NOTE: A copy of the above minute order was delivered by regular mail to Frank Herring, #1006445, Southern Desert Correctional Center, P.O. BOX 208, Indian Springs, Nevada 89018. /// sb

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 04, 2018**

C-13-291159-1      State of Nevada  
vs  
Frank Herring

**September 04, 2018      8:30 AM      Show Cause Hearing**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**      Dickerson, Michael      Attorney  
State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Mr. Arnold not present. COURT ORDERED, matter CONTINUED once more, for Mr. Arnold to appear and make representations regarding whether or not he has turned over the case file to Deft.

NDC

9/11/18 8:30 A.M. SHOW CAUSE HEARING

CLERK'S NOTE: JEA notified Mr. Arnold's office and informed Mr. Arnold regarding continuance date, and Mr. Arnold needing to appear to make representations to the Court. A copy of the above minute order has been forwarded Mr. Arnold. /// sb

CLERK'S NOTE: A copy of the above minute order has been delivered by regular mail to: Frank Herring, #1006445, Southern Desert Correctional Center, S.D.C.C., P.O. BOX 208, Indian Springs, Nevada 89018. /// sb

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 11, 2018**

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C-13-291159-1      State of Nevada  
                                 vs  
                                 Frank Herring

---

**September 11, 2018      8:30 AM      Show Cause Hearing**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**      Arnold, Carl E.      Plaintiff  
                                 State of Nevada      Attorney  
                                 Thomson, Megan

**JOURNAL ENTRIES**

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Court advised former counsel this matter was carried over from Department 20. Upon Court's inquiry, Mr. Arnold confirmed the filed was turned over to Deft. previously, he copied the file and sent it over to Deft. again last week, and there is a receipt. COURT ORDERED, matter OFF CALENDAR.

NDC

CLERK'S NOTE: A copy of the above minute order has been delivered by regular mail to: Frank Herring, #1006445, P.O. BOX 7007, Carson City, Nevada 89702. /// sb

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 06, 2018**

C-13-291159-1      State of Nevada  
vs  
Frank Herring

**November 06, 2018      8:30 AM      Motion      Defendant's Pro Per  
Motion For Order To  
Show Cause,  
Contempt Of Court  
And Monetary  
Sanctions**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**      Beverly, Leah C      Attorney  
State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED, Motion TAKEN OFF CALENDAR, as former defense counsel had turned the file over to Deft.

NDC

CLERK'S NOTE: A copy of the above minute order has been delivered by regular mail to: Frank Herring, #1006445, P.O. BOX 7007, Carson City, Nevada 89702.    ///    sb

PRINT DATE:    03/14/2022

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Minutes Date:    July 18, 2013

# Certification of Copy and Transmittal of Record

State of Nevada }  
County of Clark } SS:

Pursuant to the Supreme Court order dated March 3, 2022, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises three volumes with pages numbered 1 through 496.

STATE OF NEVADA,

Plaintiff(s),

vs.

FRANK HEARRING  
aka FRANK HEARRING, JR.,

Defendant(s),

Case No: C-13-291159-1

*Related Case A-19-790102-W*

Dept. No: XII

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 14 day of March 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk